

## REQUEST FOR COUNCIL ACTION

**SUBJECT:** Text Amendment – Amend the Zoning Ordinance to allow for renewable energy systems; adding definitions; and amending the use charts in all zoning districts removing accessory uses and creating a new accessory use chart.

**SUMMARY:** Text Amendment – Amend the West Jordan 2009 City Code, Title 13, “Zoning” to allow for renewable energy systems; adding definitions, and amending the use charts in all zoning districts removing accessory uses and creating a new accessory use chart; City-wide; City of West Jordan (applicant) [Larry Gardner/Greg Mikolash #TA20120006]

**FISCAL IMPACT:** None.

### STAFF RECOMMENDATION:

Staff recommends that the City Council amend West Jordan 2009 City Code, Section 13-2-3 “Definitions;” create section 13-8-22 to allow for renewable energy systems; amend the use tables for all districts and create new accessory use tables for all districts.

### PLANNING COMMISSION RECOMMENDATION:

The Planning Commission, by unanimous vote, recommends that the City Council amend West Jordan 2009 City Code, Section 13-2-3 “Definitions;” create section 13-8-22 to allow for renewable energy systems; amend the use tables for all districts and create new accessory use tables for all districts.

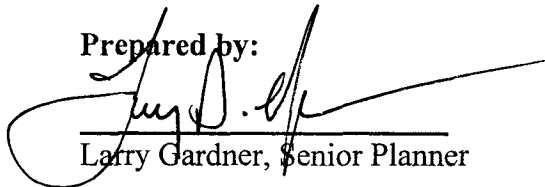
### MOTION RECOMMENDED:

#### Text Amendment Motion:

“I move to adopt Ordinance 14-09 amending West Jordan Municipal Code Section 13-2-3 Definitions; create section 13-8-22 to allow for renewable energy systems; amend the use tables for all districts and create new accessory use tables for all districts.

### *Roll Call vote required*

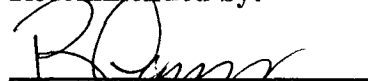
**Prepared by:**

  
Larry Gardner, Senior Planner

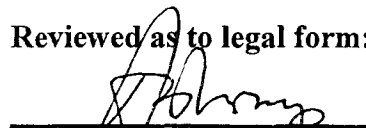
**Reviewed by/Concur with:**

  
Tom Burdett, Development Director

**Recommended by:**

  
Richard L. Davis, City Manager

**Reviewed as to legal form:**

  
Robert Thorup, Deputy City Attorney

## **I. BACKGROUND:**

The Planning Commission held a public hearing on February 4, 2014 concerning “Renewable Energy Systems” and by unanimous vote recommends that the City Council adopt the proposed amendments. The text amendments are for renewable Energy Systems, additions to the definitions, and the creation of an accessory use table for each zone. Prior to the February 4, 2014 public hearing the Planning Commission also held hearings on June 5, 2012 and on July 17, 2012. During the July 17, 2012 meeting the Planning Commission forwarded a positive recommendation to the City Council to approve the proposed text amendment. The City Council heard the item on August 22, 2012. The City Council felt that there were issues that needed to be addressed and sent the item back to staff and the Planning Commission to resolve the issues. The City Council and Planning Commission held a workshop on October 10, 2012 to discuss the item and the appropriate changes. All of the changes to the ordinance as requested by the Planning Commission and City Council have been made.

## **II. GENERAL INFORMATION & ANALYSIS:**

The City has received several inquiries into wind and solar energy systems from both residents and business owners. Presently there are two wind turbines and numerous solar energy systems in manufacturing areas of West Jordan. The City initiated amendment would permit wind and solar power systems and provide specific requirements based on the zoning district and type of system. The text amendment will add seven new definitions to the code as well as a new section 13-8-22, covering the requirements for the alternative energy systems, would create a new table for accessory uses and would amend all use charts for all zoning districts.

A. Section 13-8-22 “Renewable Energy Systems.” The proposed changes are split into three parts. The first section will provide submittal requirements for all alternative energy systems, the second will cover wind energy systems and the third will cover solar energy systems.

### *Submittal Requirements:*

Staff is proposing three additional review criteria for all Conditional Use Permits in association with wind and solar energy systems. The three criteria can be found below.

1. Proximity of the system to residential structures and residential district boundaries;
2. Possible negative impacts on surrounding properties, including but not limited to noise, shadow flicker, low frequency vibrations and the disruption of scenic views or other visual impacts,
3. Aesthetics of the system, including but not limited to height, wind vanes, color, type, size and the visibility of the system;

This section will also clarify two things 1) if an interconnected system is being proposed, proof that the affected electric utility company has been notified will be required; and 2) all cables in association with the system shall be underground, unless the property already contains above ground cables and is not otherwise required to underground. This last provision will prevent applicants from running above ground cables from their house, utility boxes, or above ground utility company wires to their proposed systems. The General Provisions section details the

removal of abandoned or inoperable systems. This section also exempts decorative yard systems. Lastly a statement is made that this chapter does not permit large scale commercial wind/solar energy systems.

#### *Wind Energy Systems:*

This section outlines the design standards of wind systems, the potential impacts to wildlife and the natural environment. Lighting signage and signal interference issues of electronic devices are also addressed. There are several definitions proposed for insertion into the Zoning Ordinance in relation to Wind Energy Systems. The definitions are for the three types of wind energy systems covered under the proposed ordinance.

1. Wind Energy System, Micro-Model
  - a. Small scale wind turbines which are mounted to primary buildings, light poles, or accessory structures.
  - b. Permitted within most zones.
  - c. Restricted to 8-feet above the structure it is installed on, or up to the existing maximum height requirement for the zone, whichever is less.
2. Wind Energy System, Rooftop Mounted
  - a. Small scale wind turbines which are mounted to the roof of a structure and provide electricity for that specific structure.
  - b. Permitted in all zones.
  - c. Restricted to 8-feet above the roof it is installed on, or to the existing maximum height requirement for the zone, whichever is less.
3. Small Wind Energy System
  - a. Small to medium sized turbines which are mounted on top of a pole and designed to provide energy production for the uses located on the same site as the turbine.
  - b. A conditional use in commercial and Public Facility zones and a permitted use in the Manufacturing zones.
  - c. Maximum height of 40-feet including the blades, and a minimum height of 15-feet from lowest point of blades.
  - d. The setback from property lines, regardless of zone, is the overall height of the system plus one blade. Must be setback from all structures on the same property a minimum of 10-feet.
  - e. Towers are not allowed in the front, side or corner side yards. Measures to restrict climbing are in the ordinance.

#### *Solar Energy Systems:*

There are two types of solar energy systems proposed, building mounted and ground mounted. Provisions are included in the ordinance to minimize reflection onto neighboring properties and adjacent rights-of-way. Screen requirements for utility and mechanical equipment are included in the ordinance. Below are the two system types along with the basic regulations.

1. Solar Energy System, Building Mounted
  - a. A solar energy system which is mounted to a building roof and may be bracket mounted, tilted or lay flat on the roof surface.
  - b. Permitted use in all zones.
  - c. Must meet the same setbacks as required in the zone.
  - d. If tilted, part of the array shall be within 12-inches of the roof surface at all times. The highest point of the system may be a maximum of 7-feet above the surface of the roof, or up to the maximum height allowed within the zoning district, whichever is less.
2. Solar Energy System, Ground Mounted
  - a. An accessory structure mounted to the ground which contains solar panels for the purpose of energy production.
  - b. Permitted use in commercial and manufacturing zones and conditional use in residential, office and City Center zones.
  - c. Regulated the same as an accessory structure. This means the setbacks would be 3-feet from property line for a solar energy system which is 10-feet in height or less, and an additional 1-foot in setback for every foot in height above 10-feet.
  - d. Prohibited in the front, side or corner side yard.
  - e. The maximum height proposed for a ground mounted solar energy system is 20-feet measured from the surrounding natural grade to the highest point of the system.
  - f. The ordinance contains provisions regarding solar easements.

B. Section 13-8-3 “Accessory Uses, Buildings and Structures.” This chapter lists all accessory uses in a table format and list whether the accessory use is permitted, conditional or not allowed in each particular zone. Chapter 13-8-3 also regulates placement of accessory structures, height and setback requirements and other regulations regarding accessory structures.

B. Use tables. Use tables for all zones have been modified removing accessory structures and certain accessory uses and moving them to Chapter 13-8-3.

### III. FINDINGS OF FACT:

#### *Section 13-7D-7(B): Amendments to the Zoning Ordinance*

**Criteria 1:** *The proposed amendment conforms to the general plan and is consistent with the adopted goals, objectives and policies described therein.*

**Discussion:** The General Plan encourages the creation of solar and wind power within the City. Specifically, the General Plan includes implementation measures within the Residential, Commercial, City Center/Neighborhood TSOD, Office, Industrial and Agricultural land use designations which call for the modification of existing ordinances to allow for solar and wind energy.



In addition, Chapter 12 Sustainability covers energy conservation. As part of a plan to urge conserving energy within the city, the General Plan encourages the utilization of alternative energy (page 174).

**Finding:** The proposed amendment conforms to the General Plan and is consistent with the adopted goals, objectives and policies described therein.

**Criteria 2:** *The proposed amendment is appropriate given the context of the request and there is sufficient justification for a modification to this title.*

**Discussion:** There are existing alternative energy systems within the City. Several homes and businesses contain solar energy systems. Wind energy systems have been allowed to be installed as long as they meet all requirements for an accessory structure including a fall zone equal to the height of the system. Two wind turbines have been installed within the M-1 zoning district and in the area of Jordan Industrial Center. While the M-1 zoning district does not contain any height restrictions, the proposed text amendment would limit new wind energy systems to 40-feet in height. Staff has received four requests for information on wind energy regulations during the time the proposed text amendment was composed. The proposed regulations provide specific guidelines covering wind and solar energy which are not currently addressed within the Zoning Ordinance.

**Finding:** The proposed amendments are appropriate given the context of the request and there is sufficient justification for a modification to this title.

**Criteria 3:** *The proposed amendment will not create a conflict with any other section or part of this title or the general plan.*

**Discussion:** The proposed amendments were written to work in conjunction with existing Zoning regulations. In fact, ground mounted solar energy systems are to follow the setback requirements for all accessory structures. The amendment has been reviewed by the Building and Safety, Engineering, and Public Works Departments for possible conflicts. None were found during review.

**Finding:** The proposed amendment will not create a conflict with any other section or part of this title or the General Plan.

**Criteria 4:** *The proposed amendment does not relieve a particular hardship, nor does it confer any special privileges to a single property owner or cause, and it is only necessary to make a modification to this title in light of corrections or changes in public policy.*

**Discussion:** The proposed amendment is sponsored by the City and is not in response to an application made with the City. While there is interest in the amendment, it has not been written with any one property owner in mind. The proposed amendment meets goals promoted in the General Plan and interest shown by residents of the City.

**Finding:** The proposed amendment does not relieve a particular hardship, nor does it confer any special privileges to a single property owner or cause, and it is only necessary to make a modification to this title in light of corrections or changes in public policy.

#### **IV. CONCLUSION:**

The General Plan encourages energy conservation measures within the City and the use of alternative energy systems. The proposed text amendment allows for private solar and wind energy systems in most zoning districts. The amendment minimizes the impact on the adjacent properties and the neighborhood and offers a mechanism for neighbor involvement through the conditional use process. Given past citizen and business owner interest in these types of systems, staff believes the appeal will grow and it is in the welfare of the City to have regulations in place to accommodate these facilities.

#### **V. ATTACHMENTS:**

Exhibit A – Proposed Ordinance

Exhibit B – Planning Commission- 6/5/2012 Minutes

Exhibit C – Planning Commission- 7/17/2012 Minutes

Exhibit D – City Council – 8/22/2012 Minutes

Exhibit E – Planning Commission- 2/4/2014 Minutes

Exhibit F – City Council/ Planning Commission Workshop – 10/2/2012 Minutes

Please find the proposed ordinance on the following pages.

# ***Exhibit A***      **Proposed Ordinance**

## THE CITY OF WEST JORDAN, UTAH

A Municipal Corporation

### ORDINANCE NO. 14-09 [RENEWABLE ENERGY]

#### AN ORDINANCE AMENDING TITLE 13, "ZONING REGULATIONS."

WHEREAS, the City of West Jordan adopted a City Code in 2009, for the purpose of carrying into effect and discharging all powers and duties conferred by law upon the city and its officers, employees and inhabitants, and to provide for the safety, preserve the health, promote the prosperity, improve the morals, peace, good order, comfort and convenience of the city and its inhabitants, and to protect property in the city; and

WHEREAS, the West Jordan City Council finds and determines that the purpose of the 2009 City Code, and the public health and welfare, will best be reached by the adoption of the following amendments to Title 13 Chapter 5 and Chapter 8 of the 2009 City Code.

NOW THEREFORE, IT IS ORDAINED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF WEST JORDAN, UTAH:

**Section 1.** Title 13, Chapter 2, Section 3 of the 2009 City Code shall add the following definitions to the Definition section, which will hereafter read as follows:

**RENEWABLE ENERGY SYSTEM:** A system which produces energy for on or off site consumption by a means other than carbon based power production. Renewable energy systems include wind, solar and geothermal energy production.

**SHADOW FLICKER:** The shadows cast on the ground and surrounding structures by rotating wind turbine blades.

**SOLAR ENERGY SYSTEM, BUILDING MOUNTED:** An accessory structure that is roof mounted or wall mounted, with the primary purpose of providing for the collection, inversion, storage, and distribution of solar energy for electricity generation, space heating, space cooling, or water heating of buildings and/or uses located on the same property.

**SOLAR ENERGY SYSTEM, GROUND MOUNTED:** An accessory structure that is ground mounted panels, with the primary purpose of providing for the collection, inversion, storage, and distribution of solar energy for electricity generation, space heating, space cooling, or water heating of buildings and/or uses located on the same property.

**WIND ENERGY SYSTEM, MICRO-MODEL:** A micro-scale wind energy conversion system consisting of a wind turbine, tower, and associated control or conversion electronics with a turbine diameter no greater than 4-feet and is intended to generate electricity primarily for buildings and/or uses on the same property including primary structures, light poles or accessory structures. Micro-model wind energy systems are considered accessory to permitted structures.

**WIND ENERGY SYSTEM, ROOFTOP MOUNTED:** A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics which is mounted on and totally supported by the roof system of a primary structure and is intended to generate electricity primarily for buildings and/or uses on the same property, thereby reducing on site consumption of utility power.

**WIND ENERGY SYSTEM, SMALL:** An accessory structure defined as a wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics that has a rated nameplate capacity of not more than one hundred (100) kilowatts (kW) and that is intended to generate electricity primarily for buildings and/or uses on the same property, thereby reducing on site consumption of utility power. (2001 Code § 89-1-203; amd. 2009 Code; Ord. 09-09, 3-10-2009; Ord. 09-12, 4-14-2009; Ord. 10-07, 2-2-2010; Ord. 10-09, 2-24-2010; Ord. 10-20, 7-28-2010; Ord. 11-03, 2-9-2011; Ord. 11-34, 11-9-2011; Ord. 11-35, 11-22-2011; Ord. 12-01, 2-22-2012; Ord. 12-14, 6-13-2012; Ord. 13-17, 4-24-2013; Ord. 13-33, 11-13-2013; Ord. 14-\_\_, 03-12-2014)

**Section 2.** Title 13, Chapter 5, Article A, Sections 2 and 3 of the 2009 City Code shall hereafter read as follows:

### 13-5A-2: PERMITTED AND CONDITIONAL USES:

Uses allowed in agricultural zones are listed in the table below. Those uses identified as "permitted" (P) are allowed by right; provided, that they comply with all other requirements of this article and all other applicable requirements of this title. Uses identified as "conditional" (C) must be approved by the planning commission pursuant to the standards and procedures for conditional uses set forth in chapter 7, article E of this title and title 15 of this code, and comply with all other applicable requirements of this title. Uses identified as "administrative conditional uses" (AC) shall be approved by the zoning administrator pursuant to the standards set forth in chapter 7, article E of this title, except that the public hearing shall be conducted by the zoning administrator, and shall comply with title 15 of this code, and all other applicable requirements of this title. Uses not specifically listed in this section shall not be allowed in agricultural zones.

### PERMITTED AND CONDITIONAL USES IN AGRICULTURAL ZONES

Legend:			
P	=	Permitted use	
C	=	Conditional use	
AC	=	Administrative conditional use	

Use	A-1	A-5	A-20
Agricultural (processing)	P	P	P
Agriculture, except swine, dairies and animal specialties	P	P	P
Agriculture, swine or dairy	C	C	C
Animal specialties	C	C	C

Athletic field	C	C	C
Barn as a primary building (agricultural use)	P	P	P
Building moved from another site (see section <u>13-8-12</u> of this title)	C	C	C
Church/place of worship	C	C	C
Dwelling, single-family	P	P	P
Golf course	C	C	C
Household pets, subject to regulations of animals in <u>title 6, chapter 3</u> of this code, or successor ordinance	P	P	P
Kennel	C	C	P
Large scale public utilities	C	C	C
Manufactured/modular home <sup>1</sup>	P	P	P
Mass transit railway system	P	P	P
Public park	P	P	P
Riding academy or commercial stable	C	C	C
Schools, K - 12	C	C	C
Topsoil operations	C	C	C

Notes:

1. A manufactured or modular housing structure, constructed to applicable federal or state construction standards, shall be deemed to be a permitted use if occupied as a single-family residence and may be located within this zoning district as though the structure were constructed on the site according to the international building code and other applicable standards if the structure meets or exceeds the pertinent provisions of this article for minimum building size and horizontal living area, setback, side yard, required attached 2 car garage, and other similar building and zoning requirements. (2001 Code § 89-3-202; amd. 2009 Code; Ord. 11-35, 11-22-2011; Ord. 13-33, 11-13-2013; Ord. 14-\_\_\_, 03-12-2014)

### 13-5A-3: LOT AND BULK STANDARDS:

Creation of lots and location of buildings on such lots, shall be subject to the following standards:

Zone	Minimum Lot Area	Minimum Lot Width <sup>1</sup>	Minimum Front Yard	Minimum Corner Side Yard	Minimum Interior Side Yard	Minimum Rear Yard	Maximum Building Height	Maximum Building Coverage	Separation Between Buildings On Same Lot
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A-1	1 acre	150'	30' (20' on cul-de-sacs)	30'	8'	25'	30', except that silos and other agricultural related accessory structures not used for human occupancy may exceed 30' in height	n/a	No requirement
A-5	5 acres	150'	30' (20' on cul-de-sacs)	30'	8'	25'	30', except that silos and other agricultural related accessory structures not used for human occupancy may exceed 30' in height	n/a	No requirement
A-20	20 acres	150'	30' (20' on cul-de-sacs)	30'	8'	25'	30', except that silos and other agricultural related accessory structures not used for human occupancy may exceed 30' in height	n/a	No requirement

**Note:**

1. Minimum required street frontage in all agricultural zones is 50 feet.  
(2001 Code § 89-3-203; amd. Ord. 14-\_\_\_, 03-12-2014)

**Section 3.** Title 13, Chapter 5, Article B, Section 2 of the 2009 City Code shall hereafter read as follows:

**13-5B-2: PERMITTED AND CONDITIONAL USES:**

Uses allowed in residential zones are listed in the table below. Those uses identified as "permitted" (P) are allowed by right; provided, that they comply with all other requirements of this article and all other applicable requirements of this title. Uses identified as "conditional" (C) must be approved by the planning commission pursuant to the standards and procedures for conditional uses set forth in chapter 7, article E of this title and title 15 of this code, and comply with all other applicable requirements of this title. Uses identified as "administrative conditional uses" (AC) shall be approved by the zoning administrator pursuant to the standards set forth in chapter 7, article E of this title, except that the public hearing shall be conducted by the zoning administrator, and shall comply with title 15 of this code and all other applicable requirements of this title. Uses not specifically listed in this section shall not be allowed in residential zones.

# PERMITTED AND CONDITIONAL USES IN RESIDENTIAL ZONES

## Legend:

P	=	Permitted use
C	=	Conditional use
AC	=	Administrative conditional use

Use	R-1	R-2	R-3	R-R	R-E	R-M
Active and independent adult community		C	P			C
Adult daycare, general			C			
Adult daycare, limited	AC	AC	AC	AC	AC	AC
Assisted living facility		C	C			
Building moved from another site (see section <u>13-8-12</u> of this title)	C	C	C	C	C	C
Church/place of worship	C	C	C	C	C	C
Continuing care retirement facility/ community		C	C			
Convalescent care facility		C	C			
Dwelling, multi-family			P			
Dwelling, single-family	P	P	P	P	P	P
Dwelling, two-family		P	P			
Golf course	C	C	C	C	C	C
Group home, large			C			
Group home, small	C	C	C	C	C	C
Household pets, subject to regulations of animals in <u>title 6, chapter 3</u> of this code, or successor ordinance	P	P	P	P	P	P
Large scale public utilities	C	C	C	C	C	C
Manufactured/modular home <sup>1</sup>	P	P	P	P	P	P
Mass transit railway system	P	P	P	P	P	P
Mental health care facility for elderly persons		C	C			



Mobile home						P
Mobile home park						C
Model home	P	P	P	P	P	P
Nursing home		C	C			
Public park	P	P	P	P	P	P
Residential substance abuse treatment home, large			C			
Residential substance abuse treatment home, small			AC			
Schools, K - 12	C	C	C	C	C	C
Temporary office for real estate sales and preleasing only	P	P	P	P	P	P
Transitional home, large			C			
Transitional home, small			AC			

**Notes:**

1. A manufactured or modular housing structure, constructed to applicable federal or state construction standards, shall be deemed to be a permitted use if occupied as a single-family residence and may be located within this zoning district as though the structure were constructed on the site according to the international building code and other applicable standards if the structure meets or exceeds the pertinent provisions of this article for minimum living space, setback, side yard, required attached 2 car garage, and other similar building and zoning requirements. (2001 Code § 89-3-302; amd. 2009 Code; Ord. 09-12, 4-14-2009; Ord. 10-09, 2-24-2010; Ord. 11-03, 2-9-2011; Ord. 11-35, 11-22-2011; Ord. 12-01, 2-22-2012; Ord. 12-14, 6-13-2012; Ord. 13-17, 4-24-2013; Ord. 13-33, 11-13-2013; Ord. 14-\_\_\_, 03-12-2014)

**Section 4.** Title 13, Chapter 5, Article C, Section 4 of the 2009 City Code shall hereafter read as follows:

**13-5C-4: PERMITTED AND CONDITIONAL USES:**

- A. Uses allowed in planned development zones are listed in the table below. Those uses identified as "permitted" (P) are allowed by right; provided, that they comply with all other requirements of this article and all other applicable requirements of this title. Uses identified as "conditional" (C) must be approved by the planning commission pursuant to the standards and procedures for conditional uses set forth in chapter 7, article E of this title and title 15 of this code, and comply with all other applicable requirements of this title. Uses identified as "administrative conditional uses" (AC) shall be approved by the zoning administrator pursuant to the standards set forth in chapter 7, article E of this title, except that the public hearing shall be conducted by the zoning administrator, and shall comply with title 15 of this code, and all other applicable requirements of this title. Uses not specifically listed in this section shall not be allowed in planned development zones.

PERMITTED AND CONDITIONAL USES IN PLANNED RESIDENTIAL DEVELOPMENTS (PRD) AND PLANNED COMMUNITIES (PC)

Legend:

P	=	Permitted use
C	=	Conditional use
AC	=	Administrative conditional use

Use	PRD	PC
Active and independent adult community	P	P
Adult daycare, general	C	C
Adult daycare, limited	AC	AC
Assisted living facility	C	C
Athletic field	C	C
Auditorium or stadium		C
Bank or financial institution		P
Building moved from another site (see section <u>13-8-12</u> of this title)	C	C
Church/place of worship	P	P
Club		C
Continuing care retirement facility/community	C	C
Convalescent care facility	C	C
Cultural service		C
Daycare, general	AC	AC
Daycare, limited	P	P
Dwelling, multiple-family	P	P
Dwelling, single-family	P	P
Dwelling, single-family, attached (no more than 8 units per building with no more than 2 walls in common and no units above other units)	P	P
Dwelling, two-family	P	P
Gated community	C	

Government service	C	P
Group home, large	C	C
Group home, small	C	C
Hotel, extended stay		C
Hotel or motel		C
Household pets, subject to regulations of animals in title 6, chapter 3 of this code, or successor ordinance.	P	P
Large scale public utilities	C	C
Mass transit railway system	P	P
Massage therapy		P
Media service		C
Medical service	C	AC
Mental health care facility for elderly persons	C	C
Model home	P	P
Neighborhood commercial	C	P
Nursing home	C	C
Office		P
Personal care service		P
Personal instruction service		C
Preschool	AC	AC
Public park, playgrounds and athletic areas	P	P
Reception center		C
Recreation and entertainment, indoor		P
Recreation and entertainment, outdoor		P
Repair service, limited		P
Residential substance abuse treatment home, large	C	C
Residential substance abuse treatment home, small	AC	AC
Restaurant, fast food (general)		C
Restaurant, fast food (limited)		C

Restaurant, general		P
Retail, general		P
School, vocational		P
Schools, K - 12	P	P
Secondhand store		C
Temporary office	AC	AC
Transitional home, large	C	C
Transitional home, small	AC	AC
Utility, major	C	C
Veterinarian services	C	C

- B. The following land uses are only allowed as either permitted or conditional uses in planned development zones that are designated as transit oriented developments on the general land use plan map:

**PERMITTED AND CONDITIONAL USES IN PLANNED RESIDENTIAL DEVELOPMENTS (PRD) AND PLANNED COMMUNITIES (PC) THAT ARE ALSO DESIGNATED AS TRANSIT ORIENTED DEVELOPMENT OVERLAY ZONES**

**Legend:**

P	=	Permitted use
C	=	Conditional use
AC	=	Administrative conditional use

Use	PRD	PC
Farmers' market		P
Laundry or dry cleaning, limited		P
Medical service	C	P
Neighborhood commercial	P	P
Office, except pawnshop and bail bond services		P
Parking, commercial		P
Printing and copying, limited		P

Restaurant, fast food (general)		P
Restaurant, fast food (limited)		P

(2001 Code § 89-3-404; amd. 2009 Code; Ord. 09-12, 4-14-2009; Ord. 10-09, 2-24-2010; Ord. 10-20, 7-28-2010; Ord. 11-03, 2-9-2011; Ord. 11-35, 11-22-2011; Ord. 12-01, 2-22-2012; Ord. 12-14, 6-13-2012; Ord. 13-10, 3-27-2013; Ord. 13-17, 4-24-2013; Ord. 13-33, 11-13-2013; Ord. 14-\_\_\_, 03-12-2014)

**Section 5.** Title 13, Chapter 5, Article D, Section 2 of the 2009 City Code shall hereafter read as follows:

### **13-5D-2: PERMITTED AND CONDITIONAL USES:**

Uses allowed in office and research park zones are listed in the table below. Those uses identified as "permitted" (P) are allowed by right; provided, that they comply with all requirements of this article, and all other applicable requirements of this title. Uses identified as "conditional" (C) must be approved by the planning commission pursuant to the standards and procedures for conditional uses set forth in chapter 7, article E of this title and title 15 of this code, and comply with all other applicable requirements of this title. Uses identified as "administrative conditional uses" (AC) shall be approved by the zoning administrator pursuant to the standards set forth in chapter 7, article E of this title, except that the public hearing shall be conducted by the zoning administrator, and shall comply with title 15 of this code, and all other applicable requirements of this title. Uses not specifically listed in this section shall not be allowed in office and research park zones.

#### **PERMITTED AND CONDITIONAL USES IN OFFICE AND RESEARCH PARK ZONES**

Legend:			
P	=	Permitted use	
C	=	Conditional use	
AC	=	Administrative conditional use	

Use	P-O	BR-P
Adult daycare, general	C	C
Adult daycare, limited	AC	AC
Airport (hangars only)		C
Bank or financial institution	P	P
Building moved from another site (see section <u>13-8-12</u> of this title)	C	C
Business service		P
Church	C	
College or university	C	

Convalescent care facility	C	
Daycare, general	P	P
Golf course	C	C
Government service	P	P
Group home, large	C	C
Group home, small	C	C
Hospital	C	C
Hotel	C	C
Hotel, extended stay	C	C
Large scale public utilities	C	C
Mass transit railway system	P	P
Massage therapy	AC	AC
Media service	P	P
Medical service	P	P
Motel or motor lodge		C
Motion picture, TV, radio, recording studio and production		P
Office, except pawnshop and bail bond services	P	P
Personal care service	AC	AC
Personal instruction service	AC	AC
Preschool	P	P
Printing and copying, limited	P	P
Printing, general	AC	AC
Recreational	P	P
Residential substance abuse treatment home, large	C	C
Residential substance abuse treatment home, small	C	C
Restaurant, fast food (general)	C	C
Restaurant, fast food (limited)	C	C
Restaurant, general	P	P

School, vocational	P	P
Schools, K - 12	P	P
Temporary office	P	P
Transitional home, large	C	C
Transitional home, small	C	C

(2001 Code § 89-3-502; amd. 2009 Code; Ord. 10-09, 2-24-2010; Ord. 11-35, 11-22-2011; Ord. 12-01, 2-22-2012; Ord. 12-14, 6-13-2012; Ord. 13-17, 4-24-2013; Ord. 14-\_\_\_\_, 03-12-2014)

**Section 6.** Title 13, Chapter 5, Article E, Section 3 of the 2009 City Code shall hereafter read as follows:

### **13-5E-3: PERMITTED AND CONDITIONAL USES:**

Uses allowed in commercial zones are listed in the table below. Those uses identified as "permitted" (P) are allowed by right; provided, that they comply with all other requirements of this article, and all other applicable requirements of this title. Uses identified as "conditional" (C) must be approved by the planning commission pursuant to the standards and procedures for conditional uses set forth in chapter 7, article E of this title and title 15 of this code, and comply with all other applicable requirements of this title. Uses identified as "administrative conditional uses" (AC) shall be approved by the zoning administrator pursuant to the standards set forth in chapter 7, article E of this title, except that the public hearing shall be conducted by the zoning administrator, and shall comply with title 15 of this code, and all other applicable requirements of this title. Uses not specifically listed in this section shall not be allowed in commercial zones.

#### **PERMITTED AND CONDITIONAL USES IN COMMERCIAL ZONES**

Legend:			
P	=	Permitted use	
C	=	Conditional use	
AC	=	Administrative conditional use	

Use	C-G	C-M	SC-1	SC-2	SC-3
Adult daycare, general	C	C	C	C	C
Adult daycare, limited	C		C		
Agricultural sales and service		P			
Animal husbandry services		C			
Auditorium or stadium		C			P
Bail bonds and pawnbrokers	C				

Bank or financial institution	P		P	P	P
Building moved from another site (see section <u>13-8-12</u> of this title)	C	C	C	C	C
Business service	P	P		P	P
Car wash	P	P		P	P
Check cashing credit services	C			C	
Club	C	P		P	P
Construction sales and service		AC			
Cultural service	C				P
Daycare, general	AC	C	AC	C	C
Daycare, limited	AC		AC		
Farmers' market				P	P
Funeral home	C			C	
Gasoline and fuel storage and sales	C	C		C	C
Gasoline service station	P		P	P	P
Government service			P	P	P
Health and fitness facility	P	P	P	P	P
Hotel, extended stay	C			C	C
Hotel or motel	C			C	C
Large scale public utilities	C	C	C	C	C
Laundry and dry cleaning, limited	P		P	P	P
Laundry service		C			
Liquor store				C	C
Manufacturing, general		P			
Manufacturing, limited		P			
Mass transit railway system	P	P	P	P	P
Massage therapy	P	P	P	P	P
Media service	P	P	C	P	P
Medical service (excluding blood banks)	P		P	P	P



Motor vehicle sales and service, new	C			C	P
Motor vehicle sales and service, used	C			C	C
Office	P	P	P	P	P
Parking, commercial		P		P	P
Personal care service	P	P	P	P	P
Personal instruction service	P	P	P	P	P
Pet groomer	P	P	AC	P	P
Post office substation			P	P	P
Preschool	AC	C	AC	C	C
Printing and copying, limited	P		P	P	P
Printing, general	P	P			
Protective service	P		P	P	P
Public park	P			P	
Reception center	AC	P		AC	P
Recreation and entertainment, indoor	C	P	C	C	C
Recreation and entertainment, outdoor		C			
Repair service, general		P			
Repair service, limited	P		P	P	P
Research service		P			
Restaurant, fast food (general)	AC	AC	AC	AC	AC
Restaurant, fast food (limited)	AC	AC	AC	AC	AC
Restaurant, general	P	P	P	P	P
Retail, general	P	P	P	P	P
School, K - 12	C	C	C	C	C
School, vocational	P			P	
Secondhand store	C	P		C	
Small equipment rental	P	P	P	P	P
Temporary office	P	P	P	P	P

Transportation service	C	P			
Utility, major	C	C	C	C	C
Utility, minor	P	P	P	P	P
Vehicle and equipment repair, general		C			
Vehicle and equipment repair, limited	P	P			AC
Veterinary service (small animals only)	C	C		C	

(2001 Code § 89-3-603; amd. 2009 Code; Ord. 09-29, 9-22-2009; Ord. 10-09, 2-24-2010; Ord. 10-20, 7-28-2010; Ord. 11-32, 10-12-2011; Ord. 11-35, 11-22-2011; Ord. 12-14, 6-13-2012; Ord. 13-17, 4-24-2013; Ord. 14-\_\_\_, 03-12-2014)

**Section 7.** Title 13, Chapter 5, Article F, Section 2 of the 2009 City Code shall hereafter read as follows:

### **13-5F-2: PERMITTED AND CONDITIONAL USES:**

Uses allowed in manufacturing zones are listed in the table below. Those uses identified as "permitted" (P) are allowed by right; provided, that they comply with all other requirements of this article, and all other applicable requirements of this title. Uses identified as "conditional" (C) must be approved by the planning commission pursuant to the standards and procedures for conditional uses set forth in chapter 7, article E of this title and title 15 of this code, and comply with all other applicable requirements of this title. Uses identified as "administrative conditional uses" (AC) shall be approved by the zoning administrator pursuant to the standards set forth in chapter 7, article E of this title, except that the public hearing shall be conducted by the zoning administrator, and shall comply with title 15 of this code, and all other applicable requirements of this title. Uses not specifically listed in this section shall not be allowed in manufacturing zones.

#### **PERMITTED AND CONDITIONAL USES IN MANUFACTURING ZONES**

Legend:		
P	=	Permitted use
C	=	Conditional use
AC	=	Administrative conditional use

Use	M-P	M-1	M-2
Agricultural sales and service		P	P
Animal crematorium		P	
Animal crematorium located within 100 feet of any residential zone or structure		C	
Basic industry (nonhazardous or offensive)		P	

Building moved from another site (see section <u>13-8-12</u> of this title)	C	C	C
Business, equipment rental and supplies		P	P
Business service	P	P	P
Church or place of worship	AC	AC	
College or university	P	P	P
Construction sales and rental		P	P
Freight terminal		P	P
Gasoline and fuel storage sales		P	P
Gasoline service station		P	P
Government service	P	P	P
Junk or salvage yard		C	C
Large scale public utilities	C	C	C
Laundry service		P	
Manufacturing, general	P	P	P
Manufacturing, limited	P	P	P
Mass transit railway system	P	P	P
Massage therapy	P	P	P
Media service	P	P	P
Medical or dental laboratory	P	P	
Military facility		C	
Motor vehicle sales and service, new and used		AC	
Office	P	P	P
Parking, commercial		P	
Parking, commercial (no fee)	P	P	
Personal care service	P	P	P
Personal instruction service	AC	C	
Printing, general	P	P	P
Public park	P	P	P

Recreation and entertainment, indoor	C		
Recycling collection station	C	C	C
Recycling facility	C	C	C
Repair services, general		P	P
Repair services, limited		P	P
Research service	P	P	P
Restaurant, fast food (general)		AC	AC
Restaurant, fast food (limited)		AC	AC
Schools, K - 12	C	C	C
Schools, vocational	P	P	P
Sexually oriented business			C <sup>1</sup>
Small equipment rental	P	P	P
Temporary office	P	P	P
Transportation service		P	P
Transportation service (office only)		P	P
Utility, major	C	C	C
Utility, major (office only)	P	P	P
Vehicle and equipment repair, general		P	P
Vehicle and equipment repair, limited		P	P
Warehouse, self-service storage		P	
Wholesale and warehousing, general		P	P
Wholesale and warehousing, limited	P	P	P

Note:

1. See also section 4-2I-6 of this code. (2001 Code § 89-3-703; amd. 2009 Code; Ord. 10-09, 2-24-2010; Ord. 11-35, 11-22-2011; Ord. 12-05, 2-22-2012; Ord. 14-\_\_\_\_, 03-12-2014)

**Section 8.** Title 13, Chapter 5, Article G, Section 3 of the 2009 City Code shall hereafter read as follows:

**13-5G-3: PERMITTED AND CONDITIONAL USES:**

Uses allowed in the public facilities zone are listed below. Those uses identified as "permitted" (P) are allowed by right; provided, that they comply with all other requirements of this article, and all other applicable requirements of this title. Uses identified as "conditional" (C) must be approved by the planning commission pursuant to the standards and procedures for conditional uses set forth in chapter 7, article E of this title and title 15 of this code, and comply with all other applicable requirements of this title. Uses identified as "administrative conditional uses" (AC) shall be approved by the zoning administrator pursuant to the standards set forth in chapter 7, article E of this title, except that the public hearing shall be conducted by the zoning administrator, and shall comply with title 15 of this code, and all other applicable requirements of this title. Uses not specifically listed in this section shall not be allowed in the public facilities zone.

**PERMITTED AND CONDITIONAL USES  
IN THE PUBLIC FACILITIES ZONE**

Legend:			
P	=	Permitted use	
C	=	Conditional use	
AC	=	Administrative conditional use	

Use	P-F
Adult daycare, general	C
Adult daycare, limited	AC
Airport	C
Auditorium or stadium	C
Building moved from another site (see section <u>13-8-12</u> of this title)	C
Bus terminal	C
Cemetery	P
Church or place of worship	P
Club	P
College or university	P
Correctional facility	C
Cultural service	P
Farmers' market	AC

Freight terminal	C
Golf course	C
Government service, except operations centers	P
Group home, large	C
Group home, small	C
Hospital	C
Large scale public utilities	C
Major utility	C
Mass transit railway system	P
Media service	C
Medical services	P
Military facility	C
Minor utility	C
Operations center	C
Parking, commercial	P
Protective service	P
Public park	P
Recreation and entertainment, indoor	C
Recreation and entertainment, outdoor	C
Residential substance abuse treatment home, large	C
Residential substance abuse treatment home, small	C
School, K - 12	P
School, vocational	P
Transitional home, large	C
Transitional home, small	C

(2001 Code § 89-3-803; amd. 2009 Code; Ord. 10-20, 7-28-2010; Ord. 12-01, 2-22-2012; Ord. 12-14, 6-13-2012; Ord. 13-17, 4-24-2013; Ord. 14-\_\_\_, 03-12-2014)

**Section 9.** Title 13, Chapter 5, Article H, Section 4 of the 2009 City Code shall hereafter read as follows:

**13-5H-4: PERMITTED AND CONDITIONAL USES:**

Uses allowed in the PRO zone are listed in the table below. Those uses identified as "permitted" (P) are allowed by right; provided, that they comply with all other requirements of this article and all other applicable requirements of this title. Uses identified as "conditional" (C) must be approved by the planning commission pursuant to the standards and procedures for conditional uses set forth in chapter 7, article E of this title and title 15 of this code, and comply with all other applicable requirements of this title. Uses identified as "administrative conditional uses" (AC) shall be approved by the zoning administrator pursuant to the standards and procedures set forth in chapter 7, article E of this title, except that the public hearing shall be conducted by the zoning administrator and shall comply with title 15 of this code and all other applicable requirements of this title. Uses not specifically listed in this section shall not be allowed in the PRO zone.

**PERMITTED AND CONDITIONAL USES IN PRO ZONE**

Legend:		
P	=	Permitted use
C	=	Conditional use
AC	=	Administrative conditional use

Use	PRO
Agriculture	P
Arboretums	P
Athletic field	C
Cemeteries	P
Community and recreation centers	P
Country clubs	C
Driveways and parking areas for uses, including, but not limited to, equestrian trail nodes, hiking trailheads, picnic areas or scenic lookouts	C
Fish and wildlife management activities or facilities	P
Golf courses	C
Local government facilities	P
Mass transit railway system	P
Nature preserves and conservation areas, public and private	P
Permanent drainage facilities that have been revegetated to be consistent with the surrounding	P

natural vegetation	
Private recreational facilities	C
Public park	P
Public/private utility transmission wires, lines, pipes and poles	C
Stables and riding academies	C
Trails or paths for the use of pedestrians, bicycles and horses	P
Tree farms	P
Zoological park	C

(2001 Code § 89-3-904; amd. 2009 Code; Ord. 11-35, 11-22-2011; Ord. 14-\_\_\_\_, 03-12-2014)

**Section 10.** Title 13, Chapter 5, Article I, Section 4 of the 2009 City Code shall hereafter read as follows:

**13-5I-4: PERMITTED, CONDITIONAL AND PROHIBITED USES:**

- A. Permitted And Conditional Uses: Uses allowed in the city center subdistricts are listed in the following table. Those uses identified as "permitted" (P) are allowed by right; provided, that they comply with all other requirements of this title. Uses identified as "conditional" (C) may be approved by the planning commission pursuant to the standards and procedures for conditional uses set forth in chapter 7, article E of this title and title 15 of this code, so long as they comply with all other applicable requirements of this title. Uses identified as "administrative conditional uses" (AC) shall be approved by the zoning administrator pursuant to the standards set forth in chapter 7, article E of this title, except that the public hearing shall be conducted by the zoning administrator, and shall comply with title 15 of this code, and all other applicable requirements of this title. Uses not specifically listed in this section shall not be allowed in the city center zone.

**PERMITTED AND CONDITIONAL USES  
IN CITY CENTER SUBDISTRICTS**

Legend:			
P	=	Permitted use	
C	=	Conditional use	
AC	=	Administrative conditional use	

Use	CC-C	CC-R	CC-F
Auditorium	C		
Bail bonds and pawnbrokers	C		C



Banks, credit unions with drive-up service windows		C	AC
Banks, credit unions without drive-up service windows	P	C	P
Bed and breakfast	P	P	
Brewpub	C		C
Check cashing credit card services			C
Church/place of worship	C		C
Club	C		C
College or university, satellite campus	P		C
Convention center	P		
Daycare, general	AC	AC	AC
Daycare, limited	P	P	P
Department store	P		C
Drive-up automated teller machines	C		AC
Farmers' market	P		P
Health and fitness facility	P		P
Hotel	P	C	C
Hotel, extended stay	P	C	C
Household pets, subject to regulations of animals in title 6, chapter 3 of this code, or successor ordinance.		P	
Mass transit railway system	P	P	P
Massage therapy	P	AC	P
Media service	P		C
Medical service	P	C	P
Mixed use development	P	C	P
Model home	P	P	P
Motel			C
Movie theater	P		
Municipal, recreational and cultural facilities and services	P	C	P
Off site parking	C	C	C

Office	P	C	P
Outdoor dining	P	C	AC
Park and ride lot	P		
Park, public or private	P	P	P
Parking structures	P	C	C
Personal care service	P	AC	P
Personal instruction service	AC	AC	AC
Pet groomer	P		P
Preschool	AC	AC	AC
Reception center	C		C
Recreational facilities, indoor and outdoor	P		C
Residential, attached single-family		P	
Residential, multi-family (single use) over 45 feet in height		C	
Residential, multi-family (single use) under 45 feet in height		P	
Restaurant, fast food (general)			C
Restaurant, fast food (limited) <sup>1</sup>	C		C
Restaurant, general	P	C	P
Retail greater than 15,000 square feet	C		C
Retail up to 15,000 square feet	P	C	P
School, vocational	C		C
Secondhand store			C
Service establishment up to 15,000 square feet	P	C	P
Small scale public utilities	C		C
Transit station structures, facilities	P		
Utility, minor	C		C
Vehicle and equipment repair (general)			C
Vehicle and equipment repair (limited)			C

Note:

1. See subsection B of this section for additional standards.

B. Prohibited Uses: The following uses are prohibited within the boundaries of the city center zone:

Automobile/vehicle sales.

Automobile/vehicle washing facilities (car wash).

Billboards.

Gasoline service stations.

Industrial and manufacturing uses.

Outdoor kennels.

Outside storage and operations.

Public or private storage facilities, unless accessory to a residential use.

Restaurant, fast food (limited) with drive-through within one thousand three hundred feet (1,300') of light rail station within the CC-C district (measurement is a straight line from light rail station platform to business door).

Utility, major.

Warehousing facilities and uses.

(2001 Code § 89-3-1004; amd. 2009 Code; Ord. 10-09, 2-24-2010; Ord. 10-20, 7-28-2010; Ord. 11-34, 11-9-2011; Ord. 11-35, 11-22-2011; Ord. 13-17, 4-24-2013; Ord. 13-33, 11-13-2013; Ord. 13-34, 12-4-2013; Ord. 14-\_\_\_\_, 03-12-2014)

**Section 11.** Title 13, Chapter 5, Article J, Section 4 of the 2009 City Code shall hereafter read as follows:

**13-5J-4: PERMITTED AND CONDITIONAL USES:**

A. Scope:

1. Uses allowed in the WSPA are listed in the following tables. Those uses identified with a (P) are "permitted" and allowed by right. Those uses identified with a (C) are "conditional" and require approval by the planning commission. Those uses identified with an (AC) are "administrative conditional uses" and may be approved by the zoning administrator. All uses are subject to all other applicable provisions of this code. Uses not specifically listed are not allowed in the WSPA.

2. Due to the commercial component of the MU zone, a separate land use chart has been created to differentiate the district from the four (4) zones that are entirely residential in nature.

B. Residential Permitted And Conditional Land Use Chart:

Legend:

P	=	Permitted use
C	=	Conditional use
AC	=	Administrative conditional use

Use	VLSFR	LSFR	MFR	HFR
Active and independent adult community		C	P	P
Adult daycare, general			C	C
Adult daycare, limited	AC	AC	AC	AC
Agriculture (parcels over 5 acres) <sup>1</sup>	P			
Assisted living facility			C	C
Athletic field	C	C	C	C
Church/place of worship	C	C	C	C
Continuing care retirement facility/ community			C	C
Convalescent care facility			C	C
Dwelling, attached single-family		P	P	P
Dwelling, detached single-family	P	P	P	
Dwelling, multi-family			P	P
Dwelling, two-family			P	P
Gated community	C	C	C	C
Golf course	C	C	C	C
Group home, large			C	C
Group home, small	C	C	C	C
Household pets, subject to regulations of animals in title 6, chapter 3 of this code, or successor ordinance.	P	P	P	P

Manufactured/prefabricated home <sup>2</sup>	P	P	P	
Mass transit railway system	P	P	P	P
Mental health facility for elderly persons			C	C
Model home	P	P	P	P
Nursing home			C	C
Park, public or private	P	P	P	P
Public utilities, large scale	C	C	C	C
Public utilities, small scale	C	C	C	C
Residential substance abuse treatment home, large			C	C
Residential substance abuse treatment home, small			AC	AC
Schools K - 12	C	C	C	C
Temporary office for real estate and preleasing	P	P	P	P
Transitional home, large			C	C
Transitional home, small			AC	AC

Notes:

1. For agricultural uses in the VLSFR zone, the zoning standards of section 13-5A-2 of this chapter are applicable, subject to the A-5 zoning criteria requirements for permitted/conditional agricultural uses and lot/bulk standards.
2. Subject to meeting the improvement requirements of the WSPA required standards and optional improvement density.

C. Mixed Use Permitted And Conditional Land Use Chart:

Legend:			
P	=	Permitted use	
C	=	Conditional use	
AC	=	Administrative conditional use	

Use	MU
Adult daycare, general	C
Adult daycare, limited	AC
Bank, credit union with drive-through window	C
Bank, credit union without drive-through window	P
Bed and breakfast	P

Club	C
Daycare, general	C
Daycare, limited	P
Dwelling, multi-family above main level	P
Group home, large	C
Group home, small	AC
Mass transit railway system	P
Massage therapy	P
Mixed use development	P
Municipal, recreational and cultural facilities and service	C
Off site parking	C
Office	P
Park and ride lot	P
Park, public or private	P
Parking structures	P
Personal care service	P
Personal instruction service	AC
Preschool	C
Produce or flower stands	P
Residential substance abuse treatment home, large	C
Residential substance abuse treatment home, small	AC
Restaurant, fast food (general)	C
Restaurant, fast food (limited)	C
Restaurant, general	P
Retail establishment up to 15,000 square feet	P
Service establishment up to 15,000 square feet	P
Transit station structures, facilities	P
Transitional home, large	C

Transitional home, small	AC
Utility, minor	C

(2001 Code § 89-3-1105; amd. Ord. 09-12, 4-14-2009; Ord. 10-09, 2-24-2010; Ord. 10-20, 7-28-2010; Ord. 11-03, 2-9-2011; Ord. 11-35, 11-22-2011; Ord. 12-01, 2-22-2012; Ord. 12-14, 6-13-2012; Ord. 13-11, 3-27-2013; Ord. 13-33, 11-13-2013; Ord. 14-\_\_\_, 03-12-2014)

**Section 12.** Title 13, Chapter 8, Section 3 of the 2009 City Code shall hereafter read as follows:

**13-8-3: ACCESSORY USES, BUILDINGS AND STRUCTURES:**

- A. Permitted and Conditional Uses Chart: Accessory uses allowed in all zones are listed in the table below. Those uses identified as "permitted" (P) are allowed by right; provided, that they comply with all other requirements of this article, and all other applicable requirements of this title. Uses identified as "conditional" (C) must be approved by the planning commission pursuant to the standards and procedures for conditional uses set forth in chapter 7, article E of this title and title 15 of this code, and comply with all other applicable requirements of this title. Uses identified as "administrative conditional uses" (AC) shall be approved by the zoning administrator pursuant to the standards set forth in chapter 7, article E of this title, except that the public hearing shall be conducted by the zoning administrator, and shall comply with title 15 of this code, and all other applicable requirements of this title. Uses not specifically listed in this section shall not be allowed in the respective zones.

**ACCESSORY PERMITTED AND CONDITIONAL USES**

Legend:			
P	=	Permitted use	
C	=	Conditional use	
AC	=	Administrative conditional use	

[illegible]







[illegible]

[illegible]

Notes:

1. Accessory living quarters shall be conditionally permitted, provided the requirements of section 13-8-17 of this title are met.
2. Low power radio service facilities shall be conditionally permitted, provided the requirements of chapter 16 of this title are met.
3. Outside storage and operations shall be conditionally permitted, provided the requirements of sections 13-5F-4D and 13-14-3B of this title are met.
4. Wind and solar energy systems shall be conditionally permitted, provided the requirements of section 13-8-21 of this title are met.

B. Accessory Structures In All Zones:

1. No accessory structure shall exceed the height limitations for the district in which it is located. In all residential districts, accessory building height shall not exceed twenty feet (20') unless the principal residential structure on the lot exceeds twenty feet (20'), then the maximum height is limited to the height of the principal structure, up to the district maximum height.
2. The height of an accessory structure shall be measured in the same way as a principal building or structure. (See "height of building", as defined in section 13-2-3 of this title.)
3. A building permit is required for any accessory structure over two hundred (200) square feet in gross floor area. A building permit is also required if any utility services, including, but not limited to, gas, electric, water and sewer, are provided to an accessory structure with two hundred (200) square feet or less of gross floor area.
4. No accessory structure shall be located in a front or corner side yard area of any lot.
5. Agricultural related accessory buildings, not used for human occupancy, in the agricultural, rural residential, and very low density single-family residential (VLSFR) districts are exempt from this section.
6. No accessory building shall be constructed over a platted easement area, unless it meets the requirement of section 13-8-5 of this chapter.

C. Accessory Buildings In Residential Zones, Excluding Agricultural And Rural Residential Zones: Accessory buildings may be located in yard areas according to the following requirements:

1. Accessory structures shall not be constructed before the principal building is constructed.
2. Accessory buildings shall be located on the same lot with the principal building and the footprint area shall be less than the principal building.
3. An accessory building which does not require a building permit per the international residential code may be located in a side yard with no minimum setback required from the property line or principal structure. An accessory building which does require a building permit per the international residential code may be located in a side yard and corner side yard, provided it is at least eight feet (8') from any side property line and six feet (6') from any principal dwelling. Any accessory building over ten feet (10') high shall be subject to the requirements of subsection C5 of this section.
4. An accessory building which does not require a building permit per the international residential code may be located in a rear yard with no minimum setback required from the property line or principal structures. An accessory building which does require a building permit per the international residential code may be located in a rear yard, provided it is at least six feet (6') from any principal dwelling and at least three feet (3') from the side and rear property lines. An accessory building shall meet all applicable requirements of the international building code and be equipped with facilities for the discharge of all roof drainage onto the lot upon which such accessory building is located. Any accessory building over ten feet (10') high shall be subject to the requirements of subsection C5 of this section.

5. An accessory building that exceeds ten feet (10') in height shall be set back from side and rear property lines a minimum of three feet (3'), plus one foot (1') for each additional foot of height, or part thereof, in excess of ten feet (10'). For corner lots, an accessory building that exceeds ten feet (10') in height shall be set back from the corner side property line a minimum of twenty feet (20'), plus one foot (1') for each additional foot of height in excess of seventeen feet (17'). Any accessory structure meeting the above requirements shall also be located a minimum of six feet (6') from a dwelling.

6. Accessory buildings used for housing or shelter of animals shall be located a minimum of forty feet (40') from any dwelling.

7. An accessory building shall not cover more than twenty percent (20%) of the area of the rear yard of a lot. Accessory buildings in side yards shall not be placed as to be continuous between the side property line and the side of the principal structure without maintaining an access path to the rear yard that is at least three feet (3') in width.

D. Accessory Buildings In Agricultural And Rural Residential Zones: Accessory buildings may be located in yard areas according to the following standards:

1. An accessory building may be located in an interior side yard or rear yard, provided it is at least eight feet (8') from any side or rear property line and six feet (6') from any principal dwelling. Any accessory building over ten feet (10') high shall be subject to the requirements of subsection D3 of this section.

2. An accessory building shall not be located in a required street side yard of a corner lot.

3. An accessory building that exceeds ten feet (10') in height shall be set back from side and rear property lines a minimum of eight feet (8') plus one additional foot for each foot of height over ten feet (10').

4. Accessory buildings used for housing or shelter of animals shall be located a minimum of forty feet (40') from any dwelling.

5. A proposed accessory use must first be associated with a principal use on the same lot or parcel.

E. Accessory Buildings In Commercial Zones: In commercial zones, an accessory building may be located on a side or rear property line if all of the following conditions are met:

1. The accessory building shall be located more than ten feet (10') from any principal dwelling on an adjacent property.

2. The accessory building shall have no openings on the side that is contiguous to the property line.

3. The wall of an accessory building adjacent to the property line shall have a two (2) hour fire retardant rating.

4. All accessory buildings shall be located behind the rear facade line of the principal building of the lot. (2001 Code § 89-6-103; amd. 2009 Code; Ord. 10-09, 2-24-2010; Ord. 11-35, 11-22-2011; Ord. 13-17, 4-24-2013; Ord. 14-\_\_\_\_, 03-12-2014)

**Section 13.** Title 13, Chapter 8, Section 22 of the 2009 City Code shall be adopted and hereafter read as follows:

**13-8-22: RENEWABLE ENERGY SYSTEMS**

- A. Purpose: The purpose of this section is to allow renewable energy systems such as wind and solar within the city while protecting residential areas and other land uses from potential adverse impacts of these systems.
- B. Submittal Requirements for all Wind and Solar Energy Systems:
  - 1. Review Criteria: When a conditional use permit is required, the zoning administrator or planning commission shall consider the following criteria in determining whether to approve a conditional use permit for any wind and/or solar energy system:
    - a. Proximity of the system to residential structures and residential district boundaries;
    - b. Possible negative impacts on surrounding properties, including but not limited to noise, shadow flicker, low frequency vibrations and the disruption of scenic views or other visual impacts,
    - c. Aesthetics of the system, including but not limited to height, wind vanes, color, type, size and the visibility of the system;
  - 2. Utility Notification: All applicants shall submit evidence to the city that the relevant electric utility company has been informed of the customer's intent to install an interconnected customer owned wind and/or solar energy system. Off grid systems shall be exempt from this requirement.
  - 3. Any cable connected to the wind and/or solar energy system must be undergrounded except for properties which obtain electric power service from above ground lines and who are not otherwise required to underground.
- C. Wind Energy Systems:
  - 1. Design Standard For All Wind Energy Systems:
    - a. Sound: Sound produced by the turbine under normal operating conditions shall meet all applicable noise regulations from the Salt Lake Valley Health Department, except during naturally occurring short-term events like severe storms.
    - b. Shadow Flicker: The tower shall be located so as to reduce the occurrence of shadow flicker on inhabited structures located on adjacent properties.
    - c. Wildlife and Habitat Impacts:
      - (1) Due to potential wildlife conflicts, any wind energy system proposed to be located west of the Bonneville Shoreline Trail, as depicted on the West Jordan Land Use Map or east of the North Jordan Canal shall consult with the Utah Division of Wildlife Resources. Proof of such consultation shall be submitted to the City and shall be a requirement of Conditional Use Permit application or building permit application if a

Conditional Use Permit is not required. The Planning Commission or Zoning Administrator may require any recommended modifications proposed by the Utah Division of Wildlife Resources during permit review.

(2) Clearing of natural vegetation shall be limited to that which is necessary for the safe construction, operation, and maintenance of the wind energy system. Any land that has been disturbed and is not necessary for the functioning of the system shall be reclaimed with natural vegetation within 60 days of the system becoming operational.

d. Signage: Signage is prohibited on the tower, blades, or accessory structures except for appropriate warning signs. Manufacturer identification may be placed on the turbine; however, advertising signs of any kind are prohibited.

e. Lighting: No illumination of the turbine or tower shall be allowed unless required by the Federal Aviation Administration. When lighting is required, it shall be done in such a way as to reduce the effects on birds.

f. Signal Interference: The owner or operator shall make reasonable efforts to avoid any disruption or loss of radio, telephone, television, internet or similar wireless signals, and shall mitigate any harm caused by the wind energy system. Such owners may be subject to a notice of violation and administrative penalties if violation occurs.

g. Accessory Buildings and Support Equipment: Buildings and support equipment associated with the tower shall be defined as accessory structures and must comply with Section 13-8-3 of this code.

## 2. Small Wind Energy Systems:

### a. Tower Height:

(1) Commercial, Office, Manufacturing and Public Facility Zones: The maximum tower height for small wind energy systems, including the blade, shall not exceed 40-feet measuring from the adjacent finished grade to the tip of the blades at their highest point.

b. Blade Height: The minimum height of the lowest point of a turbine blade shall be 15-feet above the ground.

### c. Setback:

(1) The base of the tower shall be setback from all property lines, public rights-of-way, and aboveground public utility lines a distance equal to the tower height plus the length of one blade.

(2) The base of the tower shall not be located within any required front, side, or corner side yard area.

(3) The base of the tower and turbine blades shall be set back from all structures on the same property a minimum of 10-feet.



d. Access:

(1) Freestanding Tower: No climbing apparatus including foot pegs or rungs shall be within 20-feet of the ground on a freestanding tower.

(2) Lattice Tower: The towers shall be wrapped by a protective cover, including sheets of metal, wood or similar barrier on the bottom 20-feet of the lattice tower so that it cannot readily be climbed.

3. Rooftop Mounted Wind Energy Systems:

a. Height. The proposed system is restricted to the same maximum height requirements as found in the applicable zoning district, or up to 8-feet above the roofline of the structure on which it is located, whichever is less.

b. Setback. The proposed roof top mounted wind energy system must be set back from all property lines at a distance equal to the total height of the system, including blades and tower.

4. Micro-model Wind Energy Systems:

a. Height. The proposed system is restricted to the same maximum height requirements as the structure on which the micro-model system is installed or up to 8-feet above the highest point of the structure on which it is located, whichever is less.

b. Setback. The proposed micro-model wind energy system must be set back from all property lines at a distance equal to the total height of the structure and system, including blades and tower.

D. Solar Energy System:

1. Design Standards For All Solar Energy Systems:

a. Reflection: Steps shall be taken to minimize the amount of reflected sunlight onto neighboring structures and rights-of-way in order to reduce safety hazards. This includes, but is not limited to, altering system angles and locations, utilizing anti-reflective coatings, etc.

b. Screening: All ground mounted solar energy systems shall screen utility and mechanical equipment as required in code section 13-14-3C of this title.

2. Building Mounted Solar Energy System:

a. Setback: Building Mounted: Building mounted solar energy systems shall meet the same setbacks as are required for the building the system is mounted to.

b. Height:

(1) Solar energy systems may be bracket mounted or tilted on flat or pitched roofs to improve efficiency, but shall have at least one side of the array within 12-inches of the roof surface. If bracket mounted or tilted, the system may not be more than 7-feet above the surface of the roof at the highest point of the system, or up to the maximum height allowed within the zoning district, whichever is less.

3. Ground Mounted Solar Energy System:

a. Setback: Setbacks for ground mounted solar energy systems shall be the same ~~treated~~ as accessory structures found in code section 13-8-3C and are prohibited within the front yard areas.

b. Height: The maximum height allowed for ground mounted solar energy systems is 20-feet measured from the surrounding natural grade to the highest point of the system.

4. Solar Easement: Solar easements are not a requirement for city approval; nonetheless, a property owner who has installed or intends to install a solar energy system may negotiate a solar easement with adjacent property owners to ensure perpetual sun on the property. Any easement agreed upon must be recorded by the county recorder, with a copy provided to the City.

E. General Provisions:

1. Abandonment:

a. An inoperable system must be dismantled and removed promptly. If a system is not operated for 24 consecutive months it will be presumed that the system is inoperable.

b. The owner is responsible for reclaiming the land using natural vegetation and to the greatest extent possible the land shall be fully restored within 60 days of the removal and decommissioning of the system.

2. Small decorative systems: Small systems less than three feet (3) in diameter or width that use direct current solely for decorative or yard lighting are exempt from permit requirements and restrictions of this section.

3. This section does not permit large scale projects which include multiple wind and/or solar energy systems designed to produce energy for wholesale purposes. (Ord. 14-\_\_\_\_, 03-12-2014)

**Section 14.** Additions or amendments to the 2009 City Code when passed in such form as to indicate the intention of the city council to make the same a part of the 2009 City Code shall be deemed to be incorporated in the 2009 City Code, so that reference to the 2009 City Code hereafter includes the additions and amendments.

**Section 15.** This Ordinance shall become immediately effective.

Passed and adopted by the City Council of the City of West Jordan, Utah this 12<sup>th</sup> day of March, 2014.

CITY OF WEST JORDAN

By: \_\_\_\_\_  
KIM V. ROLFE  
Mayor

ATTEST:

MELANIE S. BRIGGS, MMC  
City Clerk

Voting by the City Council	"AYE"	"NAY"
Jeff Haaga	_____	_____
Judy Hansen	_____	_____
Chris McConnehey	_____	_____
Chad Nichols	_____	_____
Ben Southworth	_____	_____
Justin D. Stoker	_____	_____
Mayor Kim V. Rolfe	_____	_____

**CITY CLERK/RECORDER'S CERTIFICATE OF PUBLICATION**

I, Melanie S. Briggs, certify that I am the City Clerk/Recorder of the City of West Jordan, Utah, and that the foregoing ordinance was published in the Legal Section, of the Salt Lake Tribune, on the \_\_\_\_\_ day of \_\_\_\_\_, 2014, pursuant to Utah Code Annotated, 10-3-711.

MELANIE S. BRIGGS, MMC  
City Clerk/Recorder

[SEAL]

# Legislative

## 13-2-3: DEFINITIONS:

RENEWABLE ENERGY SYSTEM: A system which produces energy for on or off site consumption by a means other than carbon based power production. Renewable energy systems include wind, solar and geo-thermal energy production.

SHADOW FLICKER: The shadows cast on the ground and surrounding structures by rotating wind turbine blades.

SOLAR ENERGY SYSTEM, BUILDING MOUNTED: An accessory structure that is roof mounted or wall mounted, with the primary purpose of providing for the collection, inversion, storage, and distribution of solar energy for electricity generation, space heating, space cooling, or water heating of buildings and/or uses located on the same property.

SOLAR ENERGY SYSTEM, GROUND MOUNTED: An accessory structure that is ground mounted panels, with the primary purpose of providing for the collection, inversion, storage, and distribution of solar energy for electricity generation, space heating, space cooling, or water heating of buildings and/or uses located on the same property.

WIND ENERGY SYSTEM, MICRO-MODEL: A micro-scale wind energy conversion system consisting of a wind turbine, tower, and associated control or conversion electronics with a turbine diameter no greater than 4-feet and is intended to generate electricity primarily for buildings and/or uses on the same property including primary structures, light poles or accessory structures. Micro-model wind energy systems are considered accessory to permitted structures.

WIND ENERGY SYSTEM, ROOFTOP MOUNTED: A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics which is mounted on and totally supported by the roof system of a primary structure and is intended to generate electricity primarily for buildings and/or uses on the same property, thereby reducing on site consumption of utility power.

WIND ENERGY SYSTEM, SMALL: An accessory structure defined as a wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics that has a rated nameplate capacity of not more than one hundred (100) kilowatts (kW) and that is intended to generate electricity primarily for buildings and/or uses on the same property, thereby reducing on site consumption of utility power. (2001 Code § 89-1-203; amd. 2009 Code; Ord. 09-09, 3-10-2009; Ord. 09-12, 4-14-2009; Ord. 10-07, 2-2-2010; Ord. 10-09, 2-24-2010; Ord. 10-20, 7-28-2010; Ord. 11-03, 2-9-2011; Ord. 11-34, 11-9-2011; Ord. 11-35, 11-22-2011; Ord. 12-01, 2-22-2012; Ord. 12-14, 6-13-2012; Ord. 13-17, 4-24-2013; Ord. 13-33, 11-13-2013; Ord. 14-\_\_\_, 03-12-2014)

## 13-5A-2: PERMITTED AND CONDITIONAL USES:

Uses allowed in agricultural zones are listed in the table below. Those uses identified as "permitted" (P) are allowed by right; provided, that they comply with all other requirements of this article and all other applicable requirements of this title. Uses identified as "conditional" (C) must be approved by the planning commission pursuant to the

standards and procedures for conditional uses set forth in chapter 7, article E of this title and title 15 of this code, and comply with all other applicable requirements of this title. Uses identified as "administrative conditional uses" (AC) shall be approved by the zoning administrator pursuant to the standards set forth in chapter 7, article E of this title, except that the public hearing shall be conducted by the zoning administrator, and shall comply with title 15 of this code, and all other applicable requirements of this title. Uses not specifically listed in this section shall not be allowed in agricultural zones.

#### PERMITTED AND CONDITIONAL USES IN AGRICULTURAL ZONES

Legend:			
P	=	Permitted use	
C	=	Conditional use	
AC	=	Administrative conditional use	

Use	A-1	A-5	A-20
<del>Accessory building or structure, residential</del>	<del>P</del>	<del>P</del>	<del>P</del>
<del>Accessory living quarters<sup>2</sup></del>	<del>C</del>	<del>C</del>	<del>C</del>
Agricultural (processing)	P	P	P
Agriculture, except swine, dairies and animal specialties	P	P	P
Agriculture, swine or dairy	C	C	C
Animal specialties	C	C	C
Athletic field	C	C	C
Barn as a primary building (agricultural use)	P	P	P
Building moved from another site (see section <u>13-8-12</u> of this title)	C	C	C
Church/place of worship	C	C	C
Dwelling, single-family	P	P	P
Golf course	C	C	C
<del>Home occupation for dance studios, aerobic exercise, music lessons, preschools, tutoring, general educational instruction, and other related uses for up to 12 clients per session</del>	<del>AG</del> <del>-</del>	<del>AG</del> <del>-</del>	<del>AG</del> <del>-</del>
<del>Home occupation listed in section <u>13-11-3</u> of this title</del>	<del>P</del>	<del>P</del>	<del>P</del>
Household pets, subject to regulations of animals in <u>title 6, chapter 3</u> of this code, or successor ordinance	P	P	P
Kennel	C	C	P

Large scale public utilities	C	C	C
Low power radio service facility	AG	AG	AG
Manufactured/modular home <sup>1</sup>	P	P	P
Mass transit railway system	P	P	P
Produce stand, selling farm products grown on the premises (not exceeding 300 square feet in area and limited to 1 stand per lot)	P	P	P
Public park	P	P	P
Riding academy or commercial stable	C	C	C
Schools, K - 12	C	C	C
Topsoil operations	C	C	C

**Notes:**

1. A manufactured or modular housing structure, constructed to applicable federal or state construction standards, shall be deemed to be a permitted use if occupied as a single-family residence and may be located within this zoning district as though the structure were constructed on the site according to the international building code and other applicable standards if the structure meets or exceeds the pertinent provisions of this article for minimum building size and horizontal living area, setback, side yard, required attached 2 car garage, and other similar building and zoning requirements.

2. Accessory living quarters shall be conditionally permitted, provided the requirements of section 13-8-17 of this title are met.

(2001 Code § 89-3-202; amd. 2009 Code; Ord. 11-35, 11-22-2011; Ord. 13-33, 11-13-2013; Ord. 14-\_\_\_\_, 03-12-2014)

### 13-5A-3: LOT AND BULK STANDARDS:

Creation of lots and location of buildings on such lots, shall be subject to the following standards:

Zone	Minimum Lot Area	Minimum Lot Width <sup>1</sup>	Minimum Front Yard	Minimum Corner Side Yard	Minimum Interior Side Yard	Minimum Rear Yard	Maximum Building Height	Maximum Building Coverage	Separation Between Buildings On Same Lot
A-1	1 acre	150'	30' (20' on cul-de-sacs)	30'	8'	25'	30', except that silos, windmills and other agricultural related accessory structures not used for human occupancy may exceed 30' in height	n/a	No requirement

A-5	5 acres	150'	30' (20' on cul-de-sacs)	30'	8'	25'	30', except that silos, windmills and other agricultural related accessory structures not used for human occupancy may exceed 30' in height	n/a	No requirement
A-20	20 acres	150'	30' (20' on cul-de-sacs)	30'	8'	25'	30', except that silos, windmills and other agricultural related accessory structures not used for human occupancy may exceed 30' in height	n/a	No requirement

**Note:**

1. Minimum required street frontage in all agricultural zones is 50 feet.  
(2001 Code § 89-3-203; amd. Ord. 14-\_\_\_, 03-12-2014)

## 13-5B-2: PERMITTED AND CONDITIONAL USES:

Uses allowed in residential zones are listed in the table below. Those uses identified as "permitted" (P) are allowed by right; provided, that they comply with all other requirements of this article and all other applicable requirements of this title. Uses identified as "conditional" (C) must be approved by the planning commission pursuant to the standards and procedures for conditional uses set forth in chapter 7, article E of this title and title 15 of this code, and comply with all other applicable requirements of this title. Uses identified as "administrative conditional uses" (AC) shall be approved by the zoning administrator pursuant to the standards set forth in chapter 7, article E of this title, except that the public hearing shall be conducted by the zoning administrator, and shall comply with title 15 of this code and all other applicable requirements of this title. Uses not specifically listed in this section shall not be allowed in residential zones.

### PERMITTED AND CONDITIONAL USES IN RESIDENTIAL ZONES

Legend:		
P	=	Permitted use
C	=	Conditional use
AC	=	Administrative conditional use

Use	R-1	R-2	R-3	R-R	R-E	R-M
Accessory building or structure	P	P	P	P	P	P

Accessory living quarters <sup>2</sup> —	<del>-</del>	<del>-</del>	<del>-</del>	<del>C</del>	<del>C</del>	<del>-</del>
Active and independent adult community		C	P			C
Adult daycare, general			C			
Adult daycare, limited	AC	AC	AC	AC	AC	AC
Agriculture, except dairies and the raising or keeping of mink, peacock, swine or turkeys. Also subject to regulations of animals in <u>title 6, chapter 3</u> of this code, or successor ordinance—	<del>-</del>	<del>-</del>	<del>-</del>	<del>P</del>	<del>-</del>	<del>-</del>
Animal husbandry services—	<del>-</del>	<del>-</del>	<del>-</del>	<del>C</del>	<del>-</del>	<del>-</del>
Assisted living facility		C	C			
Building moved from another site (see section <u>13-8-12</u> of this title)	C	C	C	C	C	C
Church/place of worship	C	C	C	C	C	C
Continuing care retirement facility/ community		C	C			
Convalescent care facility		C	C			
Dwelling, multi-family			P			
Dwelling, single-family	P	P	P	P	P	P
Dwelling, two-family		P	P			
Golf course	C	C	C	C	C	C
Group home, large			C			
Group home, small	C	C	C	C	C	C
Home occupation for dance studios, aerobic exercise, music lessons, preschools, tutoring, general educational instruction, and other related uses for up to 12 clients per session—	AG <del>-</del>	AG <del>-</del>	AG <del>-</del>	AG <del>-</del>	AG <del>-</del>	AG <del>-</del>
Home occupation listed in section <u>13-11-3</u> of this title—	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>
Household pets, subject to regulations of animals in <u>title 6, chapter 3</u> of this code, or successor ordinance	P	P	P	P	P	P
Large scale public utilities	C	C	C	C	C	C
Low power radio service facility—	AG	AG	AG	AG	AG	AG



Manufactured/modular home <sup>1</sup>	P	P	P	P	P	P
Mass transit railway system	P	P	P	P	P	P
Mental health care facility for elderly persons		C	C			
Mobile home						P
Mobile home park						C
Model home	P	P	P	P	P	P
Nursing home		C	C			
Public park	P	P	P	P	P	P
Residential substance abuse treatment home, large			C			
Residential substance abuse treatment home, small			AC			
Schools, K - 12	C	C	C	C	C	C
Temporary office for real estate sales and preleasing only	P	P	P	P	P	P
Transitional home, large			C			
Transitional home, small			AC			

**Notes:**

1. A manufactured or modular housing structure, constructed to applicable federal or state construction standards, shall be deemed to be a permitted use if occupied as a single-family residence and may be located within this zoning district as though the structure were constructed on the site according to the international building code and other applicable standards if the structure meets or exceeds the pertinent provisions of this article for minimum living space, setback, side yard, required attached 2 car garage, and other similar building and zoning requirements.
2. ~~Accessory living quarters shall be conditionally permitted provided the requirements of section 13-8-17 of this title are met.~~ (2001 Code § 89-3-302; amd. 2009 Code; Ord. 09-12, 4-14-2009; Ord. 10-09, 2-24-2010; Ord. 11-03, 2-9-2011; Ord. 11-35, 11-22-2011; Ord. 12-01, 2-22-2012; Ord. 12-14, 6-13-2012; Ord. 13-17, 4-24-2013; Ord. 13-33, 11-13-2013; Ord. 14-\_\_\_, 03-12-2014)

### **13-5C-4: PERMITTED AND CONDITIONAL USES:**

- A. Uses allowed in planned development zones are listed in the table below. Those uses identified as "permitted" (P) are allowed by right; provided, that they comply with all other requirements of this article and all other applicable requirements of this title. Uses identified as "conditional" (C) must be approved by the planning commission pursuant to the standards and procedures for conditional uses set forth in chapter 7, article E of this title and title 15 of this code, and comply with all other applicable requirements of this title. Uses identified as "administrative conditional uses" (AC) shall be approved by the zoning administrator pursuant to the standards set forth in chapter 7, article E of this title, except that the public hearing shall be conducted by the zoning administrator, and shall comply with title 15 of this code, and all other applicable requirements of this title. Uses not specifically listed in this section shall not be allowed in planned development zones.

PERMITTED AND CONDITIONAL USES IN PLANNED RESIDENTIAL DEVELOPMENTS (PRD) AND PLANNED COMMUNITIES (PC)

Legend:

P	=	Permitted use
C	=	Conditional use
AC	=	Administrative conditional use

Use	PRD	PC
<del>Accessory building or structure, residential</del>	<del>P</del>	<del>P</del>
Active and independent adult community	P	P
Adult daycare, general	C	C
Adult daycare, limited	AC	AC
Assisted living facility	C	C
Athletic field	C	C
Auditorium or stadium		C
Bank or financial institution		P
Building moved from another site (see section <u>13-8-12</u> of this title)	C	C
Church/place of worship	P	P
Club		C
Continuing care retirement facility/community	C	C
Convalescent care facility	C	C
Cultural service		C
Daycare, general	AC	AC
Daycare, limited	P	P
Dwelling, multiple-family	P	P
Dwelling, single-family	P	P
Dwelling, single-family, attached (no more than 8 units per building with no more than 2 walls in common and no units above other units)	P	P
Dwelling, two-family	P	P

<del>Garden center (fully enclosed)</del>	-	<del>P</del>
Gated community	C	
Government service	C	P
Group home, large	C	C
Group home, small	C	C
<del>Home occupation</del>	<del>P</del>	<del>P</del>
<del>Home occupation for dance studios, aerobic exercise, music lessons, preschools, tutoring, general educational instruction, and other related uses for up to 12 clients per session</del>	<del>AC</del>	<del>AC</del> -
Hotel, extended stay		C
Hotel or motel		C
Household pets, <u>subject to regulations of animals in title 6, chapter 3 of this code, or successor ordinance.</u>	P	P
Large scale public utilities	C	C
<del>Low power radio service facility</del>	<del>AG</del>	<del>AG</del>
Mass transit railway system	P	P
Massage therapy		P
Media service		C
Medical service	C	AC
Mental health care facility for elderly persons	C	C
Model home	P	P
Neighborhood commercial	C	P
Nursing home	C	C
Office		P
Personal care service		P
Personal instruction service		C
Preschool	AC	AC
<del>Produce or flower stands</del>	-	<del>P</del>
Public park, playgrounds and athletic areas	P	P
Reception center		C

Recreation and entertainment, indoor		P
Recreation and entertainment, outdoor		P
Repair service, limited		P
Residential substance abuse treatment home, large	C	C
Residential substance abuse treatment home, small	AC	AC
Restaurant, fast food (general)		C
Restaurant, fast food (limited)		C
Restaurant, general		P
Retail, general		P
School, vocational		P
Schools, K - 12	P	P
Secondhand store		C
Temporary office	AC	AC
Transitional home, large	C	C
Transitional home, small	AC	AC
Utility, major	C	C
Veterinarian services	C	C

- B. The following land uses are only allowed as either permitted or conditional uses in planned development zones that are designated as transit oriented developments on the general land use plan map:

PERMITTED AND CONDITIONAL USES IN PLANNED RESIDENTIAL DEVELOPMENTS (PRD) AND PLANNED COMMUNITIES (PC) THAT ARE ALSO DESIGNATED AS TRANSIT ORIENTED DEVELOPMENT OVERLAY ZONES

Legend:

P	=	Permitted use
C	=	Conditional use
AC	=	Administrative conditional use

Use	PRD	PC
Farmers' market		P
Laundry or dry cleaning, limited		P
Medical service	C	P
Neighborhood commercial	P	P
Office, except pawnshop and bail bond services		P
Parking, commercial		P
Printing and copying, limited		P
Restaurant, fast food (general)		P
Restaurant, fast food (limited)		P

(2001 Code § 89-3-404; amd. 2009 Code; Ord. 09-12, 4-14-2009; Ord. 10-09, 2-24-2010; Ord. 10-20, 7-28-2010; Ord. 11-03, 2-9-2011; Ord. 11-35, 11-22-2011; Ord. 12-01, 2-22-2012; Ord. 12-14, 6-13-2012; Ord. 13-10, 3-27-2013; Ord. 13-17, 4-24-2013; Ord. 13-33, 11-13-2013; Ord. 14-\_\_\_, 03-12-2014)

## 13-5D-2: PERMITTED AND CONDITIONAL USES:

Uses allowed in office and research park zones are listed in the table below. Those uses identified as "permitted" (P) are allowed by right; provided, that they comply with all requirements of this article, and all other applicable requirements of this title. Uses identified as "conditional" (C) must be approved by the planning commission pursuant to the standards and procedures for conditional uses set forth in chapter 7, article E of this title and title 15 of this code, and comply with all other applicable requirements of this title. Uses identified as "administrative conditional uses" (AC) shall be approved by the zoning administrator pursuant to the standards set forth in chapter 7, article E of this title, except that the public hearing shall be conducted by the zoning administrator, and shall comply with title 15 of this code, and all other applicable requirements of this title. Uses not specifically listed in this section shall not be allowed in office and research park zones.

### PERMITTED AND CONDITIONAL USES IN OFFICE AND RESEARCH PARK ZONES

Legend:		
P	=	Permitted use
C	=	Conditional use
AC	=	Administrative conditional use

Use	P-O	BR-P
<del>Accessory building or structure, residential</del>	<del>P</del>	<del>P</del>
Adult daycare, general	C	C

Adult daycare, limited	AC	AC
Airport (hangars only)		C
Bank or financial institution	P	P
Building moved from another site (see section <u>13-8-12</u> of this title)	C	C
Business service		P
Church	C	
College or university	C	
Convalescent care facility	C	
Daycare, general	P	P
Golf course	C	C
Government service	P	P
Group home, large	C	C
Group home, small	C	C
Hospital	C	C
Hotel	C	C
Hotel, extended stay	C	C
Large scale public utilities	C	C
<del>Low power radio service facility</del>	<del>AC</del>	<del>AC</del>
Mass transit railway system	P	P
Massage therapy	AC	AC
Media service	P	P
Medical service	P	P
Motel or motor lodge		C
Motion picture, TV, radio, recording studio and production		P
Office, except pawnshop and bail bond services	P	P
Personal care service	AC	AC
Personal instruction service	AC	AC
Preschool	P	P

Printing and copying, limited	P	P
Printing, general	AC	AC
Recreational	P	P
Residential substance abuse treatment home, large	C	C
Residential substance abuse treatment home, small	C	C
Restaurant, fast food (general)	C	C
Restaurant, fast food (limited)	C	C
Restaurant, general	P	P
School, vocational	P	P
Schools, K - 12	P	P
Temporary office	P	P
Transitional home, large	C	C
Transitional home, small	C	C

(2001 Code § 89-3-502; amd. 2009 Code; Ord. 10-09, 2-24-2010; Ord. 11-35, 11-22-2011; Ord. 12-01, 2-22-2012; Ord. 12-14, 6-13-2012; Ord. 13-17, 4-24-2013; Ord. 14-\_\_\_\_, 03-12-2014)

### 13-5E-3: PERMITTED AND CONDITIONAL USES:

Uses allowed in commercial zones are listed in the table below. Those uses identified as "permitted" (P) are allowed by right; provided, that they comply with all other requirements of this article, and all other applicable requirements of this title. Uses identified as "conditional" (C) must be approved by the planning commission pursuant to the standards and procedures for conditional uses set forth in chapter 7, article E of this title and title 15 of this code, and comply with all other applicable requirements of this title. Uses identified as "administrative conditional uses" (AC) shall be approved by the zoning administrator pursuant to the standards set forth in chapter 7, article E of this title, except that the public hearing shall be conducted by the zoning administrator, and shall comply with title 15 of this code, and all other applicable requirements of this title. Uses not specifically listed in this section shall not be allowed in commercial zones.

#### PERMITTED AND CONDITIONAL USES IN COMMERCIAL ZONES

Legend:			
P	=	Permitted use	
C	=	Conditional use	
AC	=	Administrative conditional use	

Use	C-G	C-M	SC-1	SC-2	SC-3
Adult daycare, general	C	C	C	C	C
Adult daycare, limited	C		C		
Agricultural sales and service		P			
Animal husbandry services		C			
Auditorium or stadium		C			P
Bail bonds and pawnbrokers	C				
Bank or financial institution	P		P	P	P
Building moved from another site (see section <u>13-8-12</u> of this title)	C	C	C	C	C
Business service	P	P		P	P
Car wash	P	P		P	P
Check cashing credit services	C			C	
Club	C	P		P	P
Construction sales and service		AC			
Cultural service	C				P
Daycare, general	AC	C	AC	C	C
Daycare, limited	AC		AC		
Farmers' market				P	P
Funeral home	C			C	
<del>Garden center, indoor</del>	<del>P</del>	<del>-</del>	<del>P</del>	<del>P</del>	<del>P</del>
<del>Garden center, outdoor (Shall be fully enclosed by a fence. Storage of all materials other than plants shall be fully screened from public view.)</del>	<del>C</del>	<del>-</del>	<del>C</del>	<del>C</del>	<del>C</del>
Gasoline and fuel storage and sales	C	C		C	C
Gasoline service station	P		P	P	P
Government service			P	P	P
Health and fitness facility	P	P	P	P	P
Hotel, extended stay	C			C	C



Hotel or motel	C			C	C
Large scale public utilities	C	C	C	C	C
Laundry and dry cleaning, limited	P		P	P	P
Laundry service		C			
Liquor store				C	C
<del>Low power radio service facility</del>	<del>AC</del>	<del>AC</del>	<del>AC</del>	<del>AC</del>	<del>AC</del>
Manufacturing, general		P			
Manufacturing, limited		P			
Mass transit railway system	P	P	P	P	P
Massage therapy	P	P	P	P	P
Media service	P	P	C	P	P
Medical service (excluding blood banks)	P		P	P	P
Motor vehicle sales and service, new	C			C	P
Motor vehicle sales and service, used	C			C	C
Office	P	P	P	P	P
<del>Outside storage and operations</del>	<del>-</del>	<del>C</del>	<del>-</del>	<del>-</del>	<del>-</del>
Parking, commercial		P		P	P
Personal care service	P	P	P	P	P
Personal instruction service	P	P	P	P	P
Pet groomer	P	P	AC	P	P
Post office substation			P	P	P
Preschool	AC	C	AC	C	C
Printing and copying, limited	P		P	P	P
Printing, general	P	P			
Protective service	P		P	P	P
Public park	P			P	
Reception center	AC	P		AC	P
Recreation and entertainment, indoor	C	P	C	C	C

Recreation and entertainment, outdoor		C			
Repair service, general		P			
Repair service, limited	P		P	P	P
Research service		P			
Restaurant, fast food (general)	AC	AC	AC	AC	AC
Restaurant, fast food (limited)	AC	AC	AC	AC	AC
Restaurant, general	P	P	P	P	P
Retail, general	P	P	P	P	P
School, K - 12	C	C	C	C	C
School, vocational	P			P	
Secondhand store	C	P		C	
Small equipment rental	P	P	P	P	P
Temporary office	P	P	P	P	P
Transportation service	C	P			
Utility, major	C	C	C	C	C
Utility, minor	P	P	P	P	P
Vehicle and equipment repair, general		C			
Vehicle and equipment repair, limited	P	P			AC
Veterinary service (small animals only)	C	C		C	

(2001 Code § 89-3-603; amd. 2009 Code; Ord. 09-29, 9-22-2009; Ord. 10-09, 2-24-2010; Ord. 10-20, 7-28-2010; Ord. 11-32, 10-12-2011; Ord. 11-35, 11-22-2011; Ord. 12-14, 6-13-2012; Ord. 13-17, 4-24-2013; Ord. 14-\_\_\_\_, 03-12-2014)

## 13-5F-2: PERMITTED AND CONDITIONAL USES:

Uses allowed in manufacturing zones are listed in the table below. Those uses identified as "permitted" (P) are allowed by right; provided, that they comply with all other requirements of this article, and all other applicable requirements of this title. Uses identified as "conditional" (C) must be approved by the planning commission pursuant to the standards and procedures for conditional uses set forth in chapter 7, article E of this title and title 15 of this code, and comply with all other applicable requirements of this title. Uses identified as "administrative conditional uses" (AC) shall be approved by the zoning administrator pursuant to the standards set forth in chapter 7, article E of this title, except that the public hearing shall be conducted by the zoning administrator, and shall comply with title 15 of this code, and all other applicable requirements of this title. Uses not specifically listed in this section shall not be allowed in manufacturing zones.

PERMITTED AND CONDITIONAL USES  
IN MANUFACTURING ZONES

Legend:

P	=	Permitted use
C	=	Conditional use
AC	=	Administrative conditional use

Use	M-P	M-1	M-2
Agricultural sales and service		P	P
Animal crematorium		P	
Animal crematorium located within 100 feet of any residential zone or structure		C	
Basic industry (nonhazardous or offensive)		P	
Building moved from another site (see section <u>13-8-12</u> of this title)	C	C	C
Business, equipment rental and supplies		P	P
Business service	P	P	P
<del>Garetaker's residence (limited to 1 residence per site and shall be integrated into the primary building in which the primary use of the site is housed)</del>	<del>P</del>	<del>P</del>	<del>P</del>
Church or place of worship	AC	AC	
College or university	P	P	P
Construction sales and rental		P	P
Freight terminal		P	P
Gasoline and fuel storage sales		P	P
Gasoline service station		P	P
Government service	P	P	P
Junk or salvage yard		C	C
Large scale public utilities	C	C	C
Laundry service		P	
<del>Low power radio service facility</del>	<del>AC</del>	<del>AC</del>	<del>AC</del>

Manufacturing, general	P	P	P
Manufacturing, limited	P	P	P
Mass transit railway system	P	P	P
Massage therapy	P	P	P
Media service	P	P	P
Medical or dental laboratory	P	P	
Military facility		C	
Motor vehicle sales and service, new and used		AC	
Office	P	P	P
<del>Outside storage and operations</del>	-	<del>AC</del>	<del>AC</del>
Parking, commercial		P	
Parking, commercial (no fee)	P	P	
Personal care service	P	P	P
Personal instruction service	AC	C	
Printing, general	P	P	P
Public park	P	P	P
Recreation and entertainment, indoor	C		
Recycling collection station	C	C	C
Recycling facility	C	C	C
Repair services, general		P	P
Repair services, limited		P	P
Research service	P	P	P
Restaurant, fast food (general)		AC	AC
Restaurant, fast food (limited)		AC	AC
<del>Retail warehouse outlet</del>	-	<del>AC</del>	-
Schools, K - 12	C	C	C
Schools, vocational	P	P	P
Sexually oriented business			C <sup>1</sup>

Small equipment rental	P	P	P
Temporary office	P	P	P
Transportation service		P	P
Transportation service (office only)		P	P
Utility, major	C	C	C
Utility, major (office only)	P	P	P
Vehicle and equipment repair, general		P	P
Vehicle and equipment repair, limited		P	P
Warehouse, self-service storage		P	
Wholesale and warehousing, general		P	P
Wholesale and warehousing, limited	P	P	P

Note:

1. See also section 4-21-6 of this code. (2001 Code § 89-3-703; amd. 2009 Code; Ord. 10-09, 2-24-2010; Ord. 11-35, 11-22-2011; Ord. 12-05, 2-22-2012; Ord. 14-\_\_\_, 03-12-2014)

### 13-5G-3: PERMITTED AND CONDITIONAL USES:

Uses allowed in the public facilities zone are listed below. Those uses identified as "permitted" (P) are allowed by right; provided, that they comply with all other requirements of this article, and all other applicable requirements of this title. Uses identified as "conditional" (C) must be approved by the planning commission pursuant to the standards and procedures for conditional uses set forth in chapter 7, article E of this title and title 15 of this code, and comply with all other applicable requirements of this title. Uses identified as "administrative conditional uses" (AC) shall be approved by the zoning administrator pursuant to the standards set forth in chapter 7, article E of this title, except that the public hearing shall be conducted by the zoning administrator, and shall comply with title 15 of this code, and all other applicable requirements of this title. Uses not specifically listed in this section shall not be allowed in the public facilities zone.

#### PERMITTED AND CONDITIONAL USES IN THE PUBLIC FACILITIES ZONE

Legend:			
P	=	Permitted use	
C	=	Conditional use	
AC	=	Administrative conditional use	

Use	P-F
Adult daycare, general	C
Adult daycare, limited	AC
Airport	C
Auditorium or stadium	C
Building moved from another site (see section <u>13-8-12</u> of this title)	C
Bus terminal	C
Cemetery	P
Church or place of worship	P
Club	P
College or university	P
Correctional facility	C
Cultural service	P
Farmers' market	AC
Freight terminal	C
Golf course	C
Government service, except operations centers	P
Group home, large	C
Group home, small	C
Hospital	C
Large scale public utilities	C
<del>Low power radio service facility</del>	<del>AC</del>
Major utility	C
Mass transit railway system	P
Media service	C
Medical services	P
Military facility	C
Minor utility	C

Operations center	C
Parking, commercial	P
Protective service	P
Public park	P
Recreation and entertainment, indoor	C
Recreation and entertainment, outdoor	C
Residential substance abuse treatment home, large	C
Residential substance abuse treatment home, small	C
School, K - 12	P
School, vocational	P
Transitional home, large	C
Transitional home, small	C

(2001 Code § 89-3-803; amd. 2009 Code; Ord. 10-20, 7-28-2010; Ord. 12-01, 2-22-2012; Ord. 12-14, 6-13-2012; Ord. 13-17, 4-24-2013; Ord. 14-\_\_\_\_, 03-12-2014)

### 13-5H-4: PERMITTED AND CONDITIONAL USES:

Uses allowed in the PRO zone are listed in the table below. Those uses identified as "permitted" (P) are allowed by right; provided, that they comply with all other requirements of this article and all other applicable requirements of this title. Uses identified as "conditional" (C) must be approved by the planning commission pursuant to the standards and procedures for conditional uses set forth in chapter 7, article E of this title and title 15 of this code, and comply with all other applicable requirements of this title. Uses identified as "administrative conditional uses" (AC) shall be approved by the zoning administrator pursuant to the standards and procedures set forth in chapter 7, article E of this title, except that the public hearing shall be conducted by the zoning administrator and shall comply with title 15 of this code and all other applicable requirements of this title. Uses not specifically listed in this section shall not be allowed in the PRO zone.

#### PERMITTED AND CONDITIONAL USES IN PRO ZONE

Legend:			
P	=	Permitted use	
C	=	Conditional use	
AC	=	Administrative conditional use	

Use	PRO
<del>Accessory uses</del>	<del>P</del>
Agriculture	P
Arboretums	P
Athletic field	C
Cemeteries	P
Community and recreation centers	P
Country clubs	C
Driveways and parking areas for uses, including, but not limited to, equestrian trail nodes, hiking trailheads, picnic areas or scenic lookouts	C
Fish and wildlife management activities or facilities	P
Golf courses	C
Local government facilities	P
Mass transit railway system	P
Nature preserves and conservation areas, public and private	P
Permanent drainage facilities that have been revegetated to be consistent with the surrounding natural vegetation	P
Private recreational facilities	C
Public park	P
Public/private utility transmission wires, lines, pipes and poles	C
Stables and riding academies	C
Trails or paths for the use of pedestrians, bicycles and horses	P
Tree farms	P
Zoological park	C

(2001 Code § 89-3-904; amd. 2009 Code; Ord. 11-35, 11-22-2011; Ord. 14-\_\_\_\_, 03-12-2014)



### 13-5I-4: PERMITTED, CONDITIONAL AND PROHIBITED USES:

- A. Permitted And Conditional Uses: Uses allowed in the city center subdistricts are listed in the following table. Those uses identified as "permitted" (P) are allowed by right; provided, that they comply with all other requirements of this title. Uses identified as "conditional" (C) may be approved by the planning commission pursuant to the standards and procedures for conditional uses set forth in chapter 7, article E of this title and title 15 of this code, so long as they comply with all other applicable requirements of this title. Uses identified as "administrative conditional uses" (AC) shall be approved by the zoning administrator pursuant to the standards set forth in chapter 7, article E of this title, except that the public hearing shall be conducted by the zoning administrator, and shall comply with title 15 of this code, and all other applicable requirements of this title. Uses not specifically listed in this section shall not be allowed in the city center zone.

#### PERMITTED AND CONDITIONAL USES IN CITY CENTER SUBDISTRICTS

Legend:		
P	=	Permitted use
C	=	Conditional use
AC	=	Administrative conditional use

Use	CC-C	CC-R	CC-F
<del>Accessory building or structure</del>	<del>P</del>	<del>P</del>	<del>P</del>
Auditorium	C		
Bail bonds and pawnbrokers	C		C
Banks, credit unions with drive-up service windows		C	AC
Banks, credit unions without drive-up service windows	P	C	P
Bed and breakfast	P	P	
Brewpub	C		C
Check cashing credit card services			C
Church/place of worship	C		C
Club	C		C
College or university, satellite campus	P		C
Convention center	P		
Daycare, general	AC	AC	AC
Daycare, limited	P	P	P

Department store	P		C
Drive-up automated teller machines	C		AC
Farmers' market	P		P
Health and fitness facility	P		P
<del>Home occupation as listed in section 13-11-3 of this title</del>	<del>P</del>	<del>P</del>	<del>P</del>
<del>Home occupation for dance studios, aerobic exercise, music lessons, preschools, tutoring, general educational instruction and other related uses for up to 12 clients per session</del>	<del>AC</del>	<del>AC</del>	<del>AC</del>
Hotel	P	C	C
Hotel, extended stay	P	C	C
<u>Household pets, subject to regulations of animals in title 6, chapter 3 of this code, or successor ordinance.</u>		<u>P</u>	
<del>Low power radio service facility</del>	<del>AC</del>	<del>-</del>	<del>AC</del>
Mass transit railway system	P	P	P
Massage therapy	P	AC	P
Media service	P		C
Medical service	P	C	P
Mixed use development	P	C	P
Model home	P	P	P
Motel			C
Movie theater	P		
Municipal, recreational and cultural facilities and services	P	C	P
Off site parking	C	C	C
Office	P	C	P
Outdoor dining	P	C	AC
<del>Outdoor exhibits, displays or sales areas</del>	<del>P</del>	<del>-</del>	<del>-</del>
Park and ride lot	P		
Park, public or private	P	P	P
Parking structures	P	C	C

Personal care service	P	AC	P
Personal instruction service	AC	AC	AC
Pet groomer	P		P
Preschool	AC	AC	AC
<del>Produce or flower stands</del>	<del>P</del>	<del>-</del>	<del>AC</del>
Reception center	C		C
Recreational facilities, indoor and outdoor	P		C
Residential, attached single-family		P	
Residential, multi-family (single use) over 45 feet in height		C	
Residential, multi-family (single use) under 45 feet in height		P	
Restaurant, fast food (general)			C
Restaurant, fast food (limited) <sup>1</sup>	C		C
Restaurant, general	P	C	P
Retail greater than 15,000 square feet	C		C
Retail up to 15,000 square feet	P	C	P
School, vocational	C		C
Secondhand store			C
Service establishment up to 15,000 square feet	P	C	P
Small scale public utilities	C		C
Transit station structures, facilities	P		
Utility, minor	C		C
Vehicle and equipment repair (general)			C
Vehicle and equipment repair (limited)			C

Note:

1. See subsection B of this section for additional standards.

B. Prohibited Uses: The following uses are prohibited within the boundaries of the city center zone:

Automobile/vehicle sales.

Automobile/vehicle washing facilities (car wash).

Billboards.

Gasoline service stations.

Industrial and manufacturing uses.

Outdoor kennels.

Outside storage and operations.

Public or private storage facilities, unless accessory to a residential use.

Restaurant, fast food (limited) with drive-through within one thousand three hundred feet (1,300') of light rail station within the CC-C district (measurement is a straight line from light rail station platform to business door).

Utility, major.

Warehousing facilities and uses.

(2001 Code § 89-3-1004; amd. 2009 Code; Ord. 10-09, 2-24-2010; Ord. 10-20, 7-28-2010; Ord. 11-34, 11-9-2011; Ord. 11-35, 11-22-2011; Ord. 13-17, 4-24-2013; Ord. 13-33, 11-13-2013; Ord. 13-34, 12-4-2013; Ord. 14-\_\_\_\_, 03-12-2014)

## 13-5J-4: PERMITTED AND CONDITIONAL USES:

### A. Scope:

1. Uses allowed in the WSPA are listed in the following tables. Those uses identified with a (P) are "permitted" and allowed by right. Those uses identified with a (C) are "conditional" and require approval by the planning commission. Those uses identified with an (AC) are "administrative conditional uses" and may be approved by the zoning administrator. All uses are subject to all other applicable provisions of this code. Uses not specifically listed are not allowed in the WSPA.

2. Due to the commercial component of the MU zone, a separate land use chart has been created to differentiate the district from the four (4) zones that are entirely residential in nature.

### B. Residential Permitted And Conditional Land Use Chart:

#### Legend:

P	=	Permitted use
C	=	Conditional use
AC	=	Administrative conditional use

Use	VLSFR	LSFR	MFR	HFR
Accessory building or structure—	P	P	P	P
Accessory living quarters <sup>2</sup> —	C	-	-	-

Active and independent adult community		C	P	P
Adult daycare, general			C	C
Adult daycare, limited	AC	AC	AC	AC
Agriculture (parcels over 5 acres) <sup>1</sup>	P			
<del>Animal/fowl keeping</del>	<del>P</del>	<del>C</del>	<del>C</del>	<del>-</del>
Assisted living facility			C	C
Athletic field	C	C	C	C
Church/place of worship	C	C	C	C
Continuing care retirement facility/ community			C	C
Convalescent care facility			C	C
Dwelling, attached single-family		P	P	P
Dwelling, detached single-family	P	P	P	
Dwelling, multi-family			P	P
Dwelling, two-family			P	P
Gated community	C	C	C	C
Golf course	C	C	C	C
Group home, large			C	C
Group home, small	C	C	C	C
<del>Home occupation for dance studios, aerobic exercise, music lessons, preschools, tutoring, general educational instruction, and other related uses for up to 12 clients per session</del>	<del>AC</del>	<del>AC</del>	<del>AC</del>	<del>AC</del>
<del>Home occupation listed in section 13-11-3 of this title</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>
<u>Household pets, subject to regulations of animals in title 6, chapter 3 of this code, or successor ordinance.</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<del>Low power radio service facility</del>	<del>AC</del>	<del>AC</del>	<del>AC</del>	<del>AC</del>
Manufactured/prefabricated home <sup>32</sup>	P	P	P	
Mass transit railway system	P	P	P	P
Mental health facility for elderly persons			C	C
Model home	P	P	P	P

Nursing home			C	C
Park, public or private	P	P	P	P
Public utilities, large scale	C	C	C	C
Public utilities, small scale	C	C	C	C
Residential substance abuse treatment home, large			C	C
Residential substance abuse treatment home, small			AC	AC
Schools K - 12	C	C	C	C
Temporary office for real estate and preleasing	P	P	P	P
Transitional home, large			C	C
Transitional home, small			AC	AC

Notes:

1. For agricultural uses in the VLSFR zone, the zoning standards of section 13-5A-2 of this chapter are applicable, subject to the A-5 zoning criteria requirements for permitted/conditional agricultural uses and lot/bulk standards.
2. Accessory living quarters shall be conditionally permitted, provided the requirements of section 13-8-17 of this title are met.
32. Subject to meeting the improvement requirements of the WSPA required standards and optional improvement density.

C. Mixed Use Permitted And Conditional Land Use Chart:

Legend:			
P	=	Permitted use	
C	=	Conditional use	
AC	=	Administrative conditional use	

Use	MU
Adult daycare, general	C
Adult daycare, limited	AC
Bank, credit union with drive-through window	C
Bank, credit union without drive-through window	P
Bed and breakfast	P
Club	C
Daycare, general	C

Daycare, limited	P
Dwelling, multi-family above main level	P
Group home, large	C
Group home, small	AC
<del>Home occupation for dance studios, aerobic exercise, music lessons, preschools, tutoring, general educational instruction, and other related uses of up to 12 clients per session</del>	AC
<del>Home occupation listed in section <u>13-11-3</u> of this title</del>	<del>P</del>
<del>Low power radio service facility</del>	<del>AC</del>
Mass transit railway system	P
Massage therapy	P
Mixed use development	P
Municipal, recreational and cultural facilities and service	C
Off site parking	C
Office	P
Park and ride lot	P
Park, public or private	P
Parking structures	P
Personal care service	P
Personal instruction service	AC
Preschool	C
Produce or flower stands	P
Residential substance abuse treatment home, large	C
Residential substance abuse treatment home, small	AC
Restaurant, fast food (general)	C
Restaurant, fast food (limited)	C
Restaurant, general	P
Retail establishment up to 15,000 square feet	P
Service establishment up to 15,000 square feet	P

Transit station structures, facilities	P
Transitional home, large	C
Transitional home, small	AC
Utility, minor	C

(2001 Code § 89-3-1105; amd. Ord. 09-12, 4-14-2009; Ord. 10-09, 2-24-2010; Ord. 10-20, 7-28-2010; Ord. 11-03, 2-9-2011; Ord. 11-35, 11-22-2011; Ord. 12-01, 2-22-2012; Ord. 12-14, 6-13-2012; Ord. 13-11, 3-27-2013; Ord. 13-33, 11-13-2013; Ord. 14-\_\_\_\_, 03-12-2014)

### 13-8-3: ACCESSORY USES, BUILDINGS AND STRUCTURES:

A. Permitted and Conditional Uses Chart: Accessory uses allowed in all zones are listed in the table below. Those uses identified as "permitted" (P) are allowed by right; provided, that they comply with all other requirements of this article, and all other applicable requirements of this title. Uses identified as "conditional" (C) must be approved by the planning commission pursuant to the standards and procedures for conditional uses set forth in chapter 7, article E of this title and title 15 of this code, and comply with all other applicable requirements of this title. Uses identified as "administrative conditional uses" (AC) shall be approved by the zoning administrator pursuant to the standards set forth in chapter 7, article E of this title, except that the public hearing shall be conducted by the zoning administrator, and shall comply with title 15 of this code, and all other applicable requirements of this title. Uses not specifically listed in this section shall not be allowed in the respective zones.

#### ACCESSORY PERMITTED AND CONDITIONAL USES

<u>Legend:</u>		
<u>P</u>	<u>=</u>	<u>Permitted use</u>
<u>C</u>	<u>=</u>	<u>Conditional use</u>
<u>AC</u>	<u>=</u>	<u>Administrative conditional use</u>





[illegible]



[illegible]

System  
Small<sup>d</sup>

Notes:

1. Accessory living quarters shall be conditionally permitted, provided the requirements of section 13-8-17 of this title are met.
2. Low power radio service facilities shall be conditionally permitted, provided the requirements of chapter 16 of this title are met.
3. Outside storage and operations shall be conditionally permitted, provided the requirements of sections 13-5F-4D and 13-14-3B of this title are met.
4. Wind and solar energy systems shall be conditionally permitted, provided the requirements of section 13-8-21 of this title are met.

**A-B.** Accessory Uses And Structures Permitted In All Zones:

1. No accessory structure shall exceed the height limitations for the district in which it is located. In all residential districts, accessory building height shall not exceed twenty feet (20') unless the principal residential structure on the lot exceeds twenty feet (20'), then the maximum height is limited to the height of the principal structure, up to the district maximum height.
2. The height of an accessory structure shall be measured in the same way as a principal building or structure. (See "height of building", as defined in section 13-2-3 of this title.)
3. A building permit is required for any accessory structure over two hundred (200) square feet in gross floor area. A building permit is also required if any utility services, including, but not limited to, gas, electric, water and sewer, are provided to an accessory structure with two hundred (200) square feet or less of gross floor area.
4. No accessory structure shall be located in a front or corner side yard area of any lot.
5. Agricultural related accessory buildings, not used for human occupancy, in the agricultural, rural residential, and very low density single-family residential (VLSFR) districts are exempt from this section.
6. No accessory building shall be constructed over a platted easement area, unless it meets the requirement of section 13-8-5 of this chapter.

**B C.** Accessory Buildings In Residential Zones, Excluding Agricultural And Rural Residential Zones: Accessory buildings may be located in yard areas according to the following requirements:

1. Accessory structures shall not be constructed before the principal building is constructed.
2. Accessory buildings shall be located on the same lot with the principal building and the footprint area shall be less than the principal building.
3. An accessory building which does not require a building permit per the international residential code may be located in a side yard with no minimum setback required from the property line or principal structure. An accessory building which does require a building permit per the international residential code may be located in a side yard and corner side yard, provided it is at least eight feet (8') from any side property line and six feet (6') from any principal dwelling. Any accessory building over ten feet (10') high shall be subject to the requirements of subsection B5 C5 of this section.
4. An accessory building which does not require a building permit per the international residential code may be located in a rear yard with no minimum setback required from the property line or principal structures. An accessory building which does require a building permit per the international residential code may be located in a rear yard, provided it is at least six feet (6') from any principal dwelling and at least three feet (3') from the side and rear property lines. An accessory building shall meet all applicable requirements of the international building code and be equipped with facilities for the discharge of all roof drainage onto the lot upon which such accessory building is located. Any accessory building over ten feet (10') high shall be subject to the requirements of subsection B5 C5 of this section.
5. An accessory building that exceeds ten feet (10') in height shall be set back from side and rear property lines a minimum of three feet (3'), plus one foot (1') for each additional foot of height, or part thereof, in excess of ten feet (10'). For corner lots, an accessory building that exceeds ten feet (10') in height shall be set back from the corner side property line a minimum of twenty feet (20'), plus one foot (1') for each additional foot of height in excess of seventeen feet (17'). Any accessory structure meeting the above requirements shall also be located a minimum of six feet (6') from a dwelling.
6. Accessory buildings used for housing or shelter of animals shall be located a minimum of forty feet (40') from any dwelling.

7. An accessory building shall not cover more than twenty percent (20%) of the area of the rear yard of a lot. Accessory buildings in side yards shall not be placed as to be continuous between the side property line and the side of the principal structure without maintaining an access path to the rear yard that is at least three feet (3') in width.

**C D.** Accessory Buildings In Agricultural And Rural Residential Zones: Accessory buildings may be located in yard areas according to the following standards:

1. An accessory building may be located in an interior side yard or rear yard, provided it is at least eight feet (8') from any side or rear property line and six feet (6') from any principal dwelling. Any accessory building over ten feet (10') high shall be subject to the requirements of subsection ~~C3~~ **D3** of this section.

2. An accessory building shall not be located in a required street side yard of a corner lot.

3. An accessory building that exceeds ten feet (10') in height shall be set back from side and rear property lines a minimum of eight feet (8') plus one additional foot for each foot of height over ten feet (10').

4. Accessory buildings used for housing or shelter of animals shall be located a minimum of forty feet (40') from any dwelling.

5. A proposed accessory use must first be associated with a principal use on the same lot or parcel.

**D E.** Accessory Buildings In Commercial Zones: In commercial zones, an accessory building may be located on a side or rear property line if all of the following conditions are met:

1. The accessory building shall be located more than ten feet (10') from any principal dwelling on an adjacent property.

2. The accessory building shall have no openings on the side that is contiguous to the property line.

3. The wall of an accessory building adjacent to the property line shall have a two (2) hour fire retardant rating.

4. All accessory buildings shall be located behind the rear facade line of the principal building of the lot. (2001 Code § 89-6-103; amd. 2009 Code; Ord. 10-09, 2-24-2010; Ord. 11-35, 11-22-2011; Ord. 13-17, 4-24-2013; Ord. 14-\_\_\_\_, 03-12-2014)

## **13-8-22: RENEWABLE ENERGY SYSTEMS**

**A.** Purpose: The purpose of this section is to allow renewable energy systems such as wind and solar within the city while protecting residential areas and other land uses from potential adverse impacts of these systems.

**B.** Submittal Requirements for all Wind and Solar Energy Systems:

1. Review Criteria: When a conditional use permit is required, the zoning administrator or planning commission shall consider the following criteria in determining whether to approve a conditional use permit for any wind and/or solar energy system:

a. Proximity of the system to residential structures and residential district boundaries;

b. Possible negative impacts on surrounding properties, including but not limited to noise, shadow flicker, low frequency vibrations and the disruption of scenic views or other visual impacts.

c. Aesthetics of the system, including but not limited to height, wind vanes, color, type, size and the visibility of the system;

2. Utility Notification: All applicants shall submit evidence to the city that the relevant electric utility company has been informed of the customer's intent to install an interconnected customer owned wind and/or solar energy system. Off grid systems shall be exempt from this requirement.

3. Any cable connected to the wind and/or solar energy system must be undergrounded except for properties which obtain electric power service from above ground lines and who are not otherwise required to underground.

#### C. Wind Energy Systems:

##### 1. Design Standard For All Wind Energy Systems:

a. Sound: Sound produced by the turbine under normal operating conditions shall meet all applicable noise regulations from the Salt Lake Valley Health Department, except during naturally occurring short-term events like severe storms.

b. Shadow Flicker: The tower shall be located so as to reduce the occurrence of shadow flicker on inhabited structures located on adjacent properties.

##### c. Wildlife and Habitat Impacts:

(1) Due to potential wildlife conflicts, any wind energy system proposed to be located west of the Bonneville Shoreline Trail, as depicted on the West Jordan Land Use Map or east of the North Jordan Canal shall consult with the Utah Division of Wildlife Resources. Proof of such consultation shall be submitted to the City and shall be a requirement of Conditional Use Permit application or building permit application if a Conditional Use Permit is not required. The Planning Commission or Zoning Administrator may require any recommended modifications proposed by the Utah Division of Wildlife Resources during permit review.

(2) Clearing of natural vegetation shall be limited to that which is necessary for the safe construction, operation, and maintenance of the wind energy system. Any land that has been disturbed and is not necessary for the functioning of the system shall be reclaimed with natural vegetation within 60 days of the system becoming operational.

d. Signage: Signage is prohibited on the tower, blades, or accessory structures except for appropriate warning signs. Manufacturer identification may be placed on the turbine; however, advertising signs of any kind are prohibited.

e. Lighting: No illumination of the turbine or tower shall be allowed unless required by the Federal Aviation Administration. When lighting is required, it shall be done in such a way as to reduce the effects on birds.

f. Signal Interference: The owner or operator shall make reasonable efforts to avoid any disruption or loss of radio, telephone, television, internet or similar wireless signals, and shall mitigate any harm caused by the wind energy system. Such owners may be subject to a notice of violation and administrative penalties if violation occurs.



g. Accessory Buildings and Support Equipment: Buildings and support equipment associated with the tower shall be defined as accessory structures and must comply with Section 13-8-3 of this code.

2. Small Wind Energy Systems:

a. Tower Height:

(1) Commercial, Office, Manufacturing and Public Facility Zones: The maximum tower height for small wind energy systems, including the blade, shall not exceed 40-feet measuring from the adjacent finished grade to the tip of the blades at their highest point.

b. Blade Height: The minimum height of the lowest point of a turbine blade shall be 15-feet above the ground.

c. Setback:

(1) The base of the tower shall be setback from all property lines, public rights-of-way, and aboveground public utility lines a distance equal to the tower height plus the length of one blade.

(2) The base of the tower shall not be located within any required front, side, or corner side yard area.

(3) The base of the tower and turbine blades shall be set back from all structures on the same property a minimum of 10-feet.

d. Access:

(1) Freestanding Tower: No climbing apparatus including foot pegs or rungs shall be within 20-feet of the ground on a freestanding tower.

(2) Lattice Tower: The towers shall be wrapped by a protective cover, including sheets of metal, wood or similar barrier on the bottom 20-feet of the lattice tower so that it cannot readily be climbed.

3. Rooftop Mounted Wind Energy Systems:

a. Height. The proposed system is restricted to the same maximum height requirements as found in the applicable zoning district, or up to 8-feet above the roofline of the structure on which it is located, whichever is less.

b. Setback. The proposed roof top mounted wind energy system must be set back from all property lines at a distance equal to the total height of the system, including blades and tower.

4. Micro-model Wind Energy Systems:

a. Height. The proposed system is restricted to the same maximum height requirements as the structure on which the micro-model system is installed or up to 8-feet above the highest point of the structure on which is it located, whichever is less.

b. Setback. The proposed micro-model wind energy system must be set back from all

property lines at a distance equal to the total height of the structure and system, including blades and tower.

D. Solar Energy System:

1. Design Standards For All Solar Energy Systems:

a. Reflection: Steps shall be taken to minimize the amount of reflected sunlight onto neighboring structures and rights-of-way in order to reduce safety hazards. This includes, but is not limited to, altering system angles and locations, utilizing anti-reflective coatings, etc.

b. Screening: All ground mounted solar energy systems shall screen utility and mechanical equipment as required in code section 13-14-3C of this title.

2. Building Mounted Solar Energy System:

a. Setback: Building Mounted: Building mounted solar energy systems shall meet the same setbacks as are required for the building the system is mounted to.

b. Height:

(1) Solar energy systems may be bracket mounted or tilted on flat or pitched roofs to improve efficiency, but shall have at least one side of the array within 12-inches of the roof surface. If bracket mounted or tilted, the system may not be more than 7-feet above the surface of the roof at the highest point of the system, or up to the maximum height allowed within the zoning district, whichever is less.

3. Ground Mounted Solar Energy System:

a. Setback: Setbacks for ground mounted solar energy systems shall be the same treated as accessory structures found in code section 13-8-3C and are prohibited within the front yard areas.

b. Height: The maximum height allowed for ground mounted solar energy systems is 20-feet measured from the surrounding natural grade to the highest point of the system.

4. Solar Easement: Solar easements are not a requirement for city approval; nonetheless, a property owner who has installed or intends to install a solar energy system may negotiate a solar easement with adjacent property owners to ensure perpetual sun on the property. Any easement agreed upon must be recorded by the county recorder, with a copy provided to the City.

E. General Provisions:

1. Abandonment:

a. An inoperable system must be dismantled and removed promptly. If a system is not operated for 24 consecutive months it will be presumed that the system is inoperable.

b. The owner is responsible for reclaiming the land using natural vegetation and to the greatest extent possible the land shall be fully restored within 60 days of the removal and decommissioning of the system.

2. Small decorative systems: Small systems less than three feet (3) in diameter or width that use direct current solely for decorative or yard lighting are exempt from permit requirements and restrictions of this section.

3. This section does not permit large scale projects which include multiple wind and/or solar energy systems designed to produce energy for wholesale purposes. (Ord. 14-\_\_\_, 03-12-2014)

Please find the Planning Commission meeting minutes of June 5, 2012 on the following pages.

***Exhibit B***      **Planning Commission Minutes 6/5/12**

**MINUTES OF THE REGULAR MEETING OF THE WEST JORDAN PLANNING AND ZONING COMMISSION HELD JUNE 5, 2012 IN THE WEST JORDAN COUNCIL CHAMBERS**

**PRESENT:** David McKinney, Ellen Smith, Dan Lawes, Nathan Gedge, John Winn, and Jesse Valenzuela.  
Lesa Bridge was absent.

**STAFF:** Tom Burdett, Greg Mikolash, Scott Langford, Ray McCandless, Jennifer Jastremsky, Robert Thorup, Nathan Nelson, and Julie Davis.

**OTHERS:** Reed Harris, Sharon Harris, Barrett Peterson, Jay Fullmer, June Christiansen, Lynn Rasband, Rod Glover, Jeff Taylor, Randy Tyson, Elizabeth Romero, and James Romero.

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**4. Text Amendment – Amend the West Jordan Municipal Code Title 13 Zoning Ordinance to allow for alternative energy systems, and more specifically covering wind and solar energy systems.**

**The text amendment will add 10 new definitions to the code as well as a new section, 13-8-21, covering requirements for the alternative energy systems. Also affected will be the use charts for all zoning districts; City-wide applicability; City of West Jordan (applicant) [#TA20120006]**

Jennifer Jastremsky reviewed the different energy types that will be addressed in the code.

Wind: Includes micro model small-scale system that attaches to an accessory structure or light pole, with a turbine diameter not greater than 4 feet. Rooftop-mounted wind turbines would have to meet the height restriction for that individual zone. Small wind turbines in commercial, public facilities, and industrial would have a height up to 40 feet. The small turbine in a residential zone would have a maximum height of 30 feet, including the blades.

Solar: Building-mounted. Ground-mounted systems would be treated like other accessory structures in terms of height and setback.

Based on the findings set forth in the staff report, staff recommended that the Planning Commission discuss and forward a positive recommendation to the City Council for the proposed text amendment allowing alternative energy systems within all zoning districts as permitted and/or conditional uses and providing specific criteria for alternative energy systems.

Nathan Gedge wanted to clarify that today there is no height restriction on poles in a manufacturing zone, so if this were adopted by the City Council then the existing poles that she reference would be grandfathered.

Jennifer Jastremsky said that is correct. The proposed amendment would limit future wind turbines to 40 feet.

Dan Lawes asked if height restrictions were in place for manufacturing zones in the codes she researched. Jennifer Jastremsky said the research varied by city and state in all zones. Some were very strict while others had no restrictions. Regarding height requirements, staff discussed it and chose a number that would work for West Jordan.

Dan Lawes asked if there were any recommendations by governing bodies or trade groups based on geography or anything else.

Jennifer Jastremsky said staff looked at Utah's model ordinance, but the trade organizations only spoke of height in terms of how to get optimal wind. Staff didn't feel that much height was conducive for West Jordan.

David McKinney said he is a big fan of alternative energy, but he was concerned that the proposal is too restrictive. He gave examples of this with the requirements to prove liability insurance as well as providing manufacturers specifications to the city. He didn't think that the city should care about those

types of things. If his pole fell over he would be responsible for damage just as if his tree fell, and if his wind turbine didn't work it would be up to him to contact the manufacturer; the city shouldn't care. Jennifer Jastremsky said they can look at removing those items. She saw proof of liability repeatedly throughout other codes. Manufacturer's specifications would be required with a building permit to make sure that it is a sound structure.

David McKinney didn't understand why he would need a building permit to install solar hot water panels or a water heater or a furnace.

Tom Burdett said water heaters have a plumbing and a gas connection. They all need to learn how the building code applies to retrofitting or installing new energy in your house. Staff could arrange for a building official or plans examiner to come to a future meeting to address those questions. As far as this code, it is a first draft and they are happy to rework parts of it.

David McKinney said he is opposed to overregulation where the exception swallows the rule. Not only would he need a building permit to put in a solar hot water system, he would also need a conditional use permit. He felt that is too much for a homeowner or business owner.

Tom Burdett said they don't need to reference the building code in this section because it is already there. Whether or not they should be permitted or conditional is a zoning issue that the planning commission should weigh and make a determination.

David McKinney said he would like to see the level of regulation reduced as much as possible, because it allows for more freedom.

Jesse Valenzuela said with his background in the building and fire codes he believes the regulations come about because of a mistake or oversight, and we are overregulated in some things. However, he felt that something of this nature they should use prudent judgment from the start with permit regulations where they come into contact with pressurized gas or electrical or even plumbing. Something is needed just to keep the quality of the install so it is done with competence. The money that comes from the permit is an alternate way of generating money to pay an inspector in order to keep the quality at a certain level. He felt that most rules and laws are put into place for people who don't have a common level of smarts.

David McKinney said then they are taking the burden of a few and spreading it to everyone.

John Winn saw both sides of the issue. He doesn't understand solar energy as much as others might, so he would like to know the reasoning behind other cities' regulations so we can determine if it is necessary for us.

Dan Lawes said it would be good to hear from an industry expert.

Nathan Gedge said he would like to hear from an industry expert as well as the building inspector. He would also like to see fewer conditional use permits or at least make them administrative. As this catches on their meetings could be bogged down with nothing but conditional use permits for alternative energy, which places a burden on the commission as well as the general public.

Ellen Smith said as they look into this research, she wanted to know which cities in the U.S. have been really forward and how successful they have been in either encouraging or stifling it within their municipalities.

David McKinney said that would be interesting, but it might be 30 years before they know for sure.

June Christiansen, West Jordan resident, said it would be interesting if the city had research on some of the best systems or recommendations that the public might benefit from and a way to make the city cleaner.

Further public comment was closed at this point for this item.

Jennifer Jastremsky said if the item were continued, then staff would try to address the comments to possibly tone down the regulation, allow for more permitted uses, and get more training as far as what other cities are doing and with individual systems themselves.

**MOTION: Nathan Gedge moved based on their discussion to continue to a date uncertain the Text Amendment to Title 13 Zoning Ordinance to allow for alternative energy systems and asking staff to look into the items discussed tonight and to incorporate their research. The motion was seconded by John Winn and passed 6-0 in favor. Lesa Bridge was absent.**

Please find the minutes of the July 17, 2012 Planning Commission meeting on the following pages.

**Exhibit C**      **Planning Commission Minutes 7/17/12**

**MINUTES OF THE REGULAR MEETING OF THE WEST JORDAN PLANNING AND ZONING**

**COMMISSION HELD JULY 17, 2012 IN THE WEST JORDAN COUNCIL CHAMBERS**

**PRESENT:** David McKinney, Dan Lawes, Nathan Gedge, John Winn, Jesse Valenzuela, and Lesa Bridge.

Ellen Smith was excused.

**STAFF:** Tom Burdett, Greg Mikolash, Jennifer Jastremsky, William Bailey, Robert Thorup, Mark Forsythe, and Julie Davis

**OTHERS:** Rod Glover, Ryan Glover, Sarah Wright, and Mark Richards.

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**2. Text Amendment – Amend the West Jordan Municipal Code Title 13 Zoning Ordinance to allow for alternative energy systems, and more specifically covering wind and solar energy systems.**

The text amendment will add 10 new definitions to the code as well as a new section, 13-8-21, covering requirements for the alternative energy systems. Also affected will be the use charts for all zoning districts; City-wide applicability; City of West Jordan (applicant) [#TA20120006] Jennifer Jastremsky said the item was previously heard in June and changes were made to the legislative copy based on that discussion. She proposed an additional change because the Division of Wildlife Resources prefers to not be a part of the approval process, but would be available for consulting. Section 13-8-21-C1-d1 is proposed to read:

“Due to potential wildlife conflicts, any wind energy system proposed to be located west of the Bonneville Shoreline Trail, as depicted on the West Jordan Land Use Map or east of the North Jordan Canal shall consult with the Utah Division of Wildlife Resources. Proof of such consultation shall be submitted to the City and shall be a requirement of Conditional Use Permit application or building permit application if a Conditional Use Permit is not required. The Planning Commission or Zoning Administrator may require any recommended modifications proposed by the Utah Division of Wildlife Resources during permit review.”

At the June meeting the Planning Commission also asked for a comparison with codes from other cities and to see how the codes are working. The main conclusion is there have been so few applications that it is hard to know if the ordinance is working well or not. Most cities do not allow the wind turbines in residential districts but are mostly in industrial zones and the solar energy systems are in industrial and commercial zones. So far there have been no complaints; probably due to the zones in which they are placed. Height limits vary dramatically depending on the municipality. Weber County allows for a 70-foot tall wind system and they allow them in residential zones. She showed a photo of a 39 ½-foot tall turbine on a hillside in that county. She stated that Rod Glover with Windwest Power and Glover Nursery, Sarah Wright who is the Executive Director of Utah Clean Energy, and Mark Richards with Intermountain Wind and Solar were in attendance to provide information and answer questions. Based on the findings set forth in the staff report, staff recommended that the Planning Commission discuss and forward a positive recommendation to the City Council for the proposed text amendment allowing alternative energy systems within all zoning districts as permitted and/or conditional uses and providing specific criteria for alternative energy systems.

David McKinney said there was a discussion at the prior meeting regarding permitting requirements. He asked if the text had any changes in that regard.

Jennifer Jastremsky said she removed some of the conditional use and administrative conditional use permits in the use chart, but the small wind systems are still conditional in the residential zones and the ground-mounted solar energy systems are administrative conditional with all others as permitted. She took out references to building permits and combined the specific review criteria for wind and solar.



These types of systems do require a building permit, which Bill Bailey, West Jordan Building Official can address.

David McKinney asked for an outline of the standard permit requirements for this range of installations. Bill Bailey compared residential to commercial. If you are doing work on your own home, including wind turbines and solar panels, you can do that work yourself without the need for a contractor. However, you still need a building permit so it can be inspected. Anything on a commercial property is required by state law to have a licensed contractor for that particular discipline.

David McKinney asked if permitting would change depending on the type of systems.

Bill Bailey said the National Electrical Code, which is adopted by the state, requires permits for all of the systems. The inspections check for proper grounding, for installation of an interactive inverter if you are connecting to utilities, and checking to ensure whatever is mounted is secure and that the roof load isn't maxed out. The inspection is required by the NEC and allows us to make sure it is installed properly.

Rod Glover, Glover Nursery, 9275 South 1300 West, said his company had solar panels installed at their business a year ago as well as efficient lighting. His cost was \$40,000 with a \$12,000 government rebate and \$1,000 credit with Utah State. He saved \$500-\$600 last year, so it isn't a money-saving thing, but they want to be green. He has been involved with Windwest Power for about five years as they have developed a new windmill. He showed a test video of the product in Boulder, Nevada. At 40 mph it generates up to 5000 watts.

They are hoping to install and sell these 5.5 kilowatt generators at the nursery. The video shows a 15-foot tall windmill with a casual breeze, but they will recommend a 20-foot tall turbine. It makes no noise and doesn't affect any birds. He felt that this windmill will revolutionize the industry. Richard Steinke only does things efficiently and with the best product on the market. A traditional windmill is only 20% efficient, so Mr. Steinke developed an efficient windmill that is totally recyclable with polyurethane blades. He knows all about net metering.

Lesa Bridge asked what the ballast and pole are made of.

Rod Glover said the ballast is aluminum and the generator fits inside of it. The pole is made of steel. Blades are 6' wide and at 5 mph it produces about 1000 watts. He explained the generators and how the blades catch wind instead of chopping through it. He would like the opportunity to install one.

David McKinney asked how these blades are less harmful to birds.

Rod Glover said they are contoured, so they accept the wind and it kicks off at a 45-degree angle, which kicks the birds off to the side. Mr. Steinke has plans for a megawatt, which will be 30 feet wide and 65-80 feet tall, so with that concept he could envision urban wind farms.

David McKinney asked about the level of efficiency.

Rod Glover said this is 60-80% efficient. It is a different concept that attracts wind, so it is a different comparison. These windmills will turn slower since the generator is designed to take the torque. This will generate power at 5 mph where other models have to be 8-10 mph to produce very minimum power.

David McKinney asked about maximum wind events.

Rod Glover said the generator producer doesn't want it to generate past 6500 watts, so it has a braking system that shuts it down and turns it back on when the wind slows down. Their generator also produces power as it slows down. The installed price with everything is \$30,000, but if it is all true it will pay for itself.

Dan Lawes noted that the proposed ordinance states the blade color has to be gray, black or neutral subdued tones.

Rod Glover said he has green trees in the nursery and these blades are green. They are being used mostly by the ocean where there are palm trees, but they could be any color.

Sarah Wright, Executive Director of Utah Clean Energy, 1014 Second Avenue, Salt Lake City, said they are a non-profit public interest group that works to stop energy waste and helps people to be more efficient, and Mark Richards, Vice President of Business Development for Intermountain Wind and Solar, 1953 West 2425 South, Woods Cross, electrical and general contractor.

Sarah Wright felt that West Jordan is being extremely proactive in putting together ordinances to allow for different clean energy sources. She noted that Utah Clean Energy, Salt Lake City, West Valley City,

Salt Lake County, Summit County, Park City and Midvale are all working together as part of a Department of Energy project to look at solar ordinances and permitting. They will be able to offer support in this area. Hardware costs for solar energy have been lowered and by having streamlined permitting that is consistent across states will drive down the non-hardware costs. She felt that the draft ordinance was very good, and only had a couple of concerns. She thought that some of the height restrictions were limited and suggested that they look at Salt Lake City's ordinance that allows for 3 feet over the maximum height for the home and they can be 12 feet above the surface of the roof. There is a state statute that prevents HOA's and other private groups from having overly restrictive guidelines that prevent solar development and could be referenced. Also, she wasn't sure if the requirement for a neutral color would allow for the black or blue solar panels which are most common.

Right now there are 1300 net metered customers (people who send power back into the grid system) and many are solar. She suggested that our code that restricts them from side yards or corner lots be reconsidered to ask that the first choice for the location is where it isn't visible, but then they can go from there in order to provide for the south exposure. There are some cities that have the wind for schools projects, which are in residential neighborhoods. She understood the height requirement restrictions, but stated that the output of energy from a wind turbine increases dramatically with the height, so it has to be above the turbulence to work. She wondered if there could be language that allows for certain exceptions with a conditional approval. To avoid the wind turbulence issue, and working with the setback from property line she suggested they also consider signed easements. She referred to the publication *In the Public Interest* that addresses different ways to handle setbacks and heights to protect citizens and still allow the systems.

Jennifer Jastremsky said she would send the commission a PDF version of that document.

Mark Richards also said that the handout answers other questions, dealing with things such as birds. He answered questions about the number of permits that have been issued in the state. Utah isn't very windy so there have been very few of the wind systems so the photovoltaic solar seems to make more sense. He has done more than 200 installations and he is just one of a dozen installers. He said there have been 1300 people in Utah who are served by Rocky Mountain Power that got net metering (not off the grid).

Sarah Wright guessed that there would be about 900 permits in the Wasatch Front area.

Mark Richards said his business is split evenly between residential and commercial installations. He said that in the last two years the hardware is half the cost of what it used to be. For every net meter that they install they have to submit documents to the power company and request the right to push power back and forth between the home and the power company. The smart inverters are a UL requirement.

There was a brief explanation of the Blue Sky program through Rocky Mountain Power and some community projects that are funded through grants.

Sarah Wright didn't think there had been any permits for wind systems in residential areas.

There was a brief mention of the State Law in Title 54 (net metering) that requires the utility to accept excess generation on a kilowatt hour for kilowatt hour credit.

Rod Glover noted that there is a windmill in South Jordan that is shown on windenergy.com.

David McKinney asked how much noise his specific wind system makes and if they have numbers to verify it.

Rod Glover said theirs is silent. He stood by a 30-foot pole and you really don't hear anything. He will have

the numbers when their delivery comes in.

Mark Richards said on a standard wind turbine, if you were able to sit on top it is at 64 dba and at 100 feet away it is 4 dba, which is less than the noise in your car.

Height limitations were further clarified.

Mark Richards said when they install wind systems they like to be 300 feet away from a building and 30' higher than the height of the building so they can have access to the wind.

David McKinney said that is probably why they don't have a lot of wind turbines in residential areas.

Mark Richards asked for clarification regarding the requirement to screen utility and mechanical equipment on ground-mounted solar energy equipment.

David McKinney said screening is to hide the equipment from view.

Jennifer Jastremsky said that specifically references another part of the code that addresses screening of ground mounted utility equipment, dumpsters, etc. So anything besides the actual system would need to meet the same screening requirements that any other utility would need to meet. It is not referring to any roof-mounted equipment that would naturally be visible because of its size.

Mark Richards applauded the efforts of West Jordan in being forward-thinking.

Further public comment was closed at this point for this item.

David McKinney said the suggestion had been made to ease the restrictions on setbacks, but given the rarity of wind energy systems he would leave it as written. If a situation comes up at a later date that proves it is too restrictive then the commission can address it at that time. Regarding the reference to neutral colors, he felt it was vague. Since some of the solar panels tend to have metal and reflective materials he wasn't sure that condition would work.

Greg Mikolash suggested that they remove the reference to color.

Jennifer Jastremsky noted that both the wind and solar sections make reference to color.

Lesa Bridge said there could be a caveat to state that neutral colors be used where possible.

Greg Mikolash didn't think colors would be a problem, so they could just go with what the industry provides.

David McKinney also felt that the restriction in subsection D3a should remain as written, which is primarily an aesthetic issue. A solar energy system could still be mounted on a roof if it can't be located in the yard.

Lesa Bridge said it is also a visibility issue for traffic.

**MOTION: Dan Lawes moved to forward a positive recommendation to City Council for a text amendment to allow alternative energy systems within all zoning districts as permitted and/or conditional uses and providing specific criteria for alternative energy systems as discussed in the legislative copy, adding the language by staff in Section 13-8-21-C1-d1: "Due to potential wildlife conflicts, any wind energy system proposed to be located west of the Bonneville Shoreline Trail, as depicted on the West Jordan Land Use Map or east of the North Jordan Canal shall consult with the Utah Division of Wildlife Resources. Proof of such consultation shall be submitted to the City and shall be a requirement of Conditional Use Permit application or building permit application if a Conditional Use Permit is not required. The Planning Commission or Zoning Administrator may require any recommended modifications proposed by the Utah Division of Wildlife Resources during permit review." Also striking the references to colors in subsection C-1-b and D-1-a. The motion was seconded by Nathan Gedge and passed 6-0 in favor. Ellen Smith was absent.**

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Please find the City Council meeting minutes of August 22, 2012 on the following pages.

***Exhibit D***      **City Council Meeting Minutes 8/12/12**

**MINUTES OF THE CITY OF WEST JORDAN  
CITY COUNCIL MEETING  
Wednesday, August 22, 2012  
6:00 p.m.  
Council Chambers  
8000 South Redwood Road  
West Jordan, Utah 84088**

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**COUNCIL:** Mayor Melissa K. Johnson and Council Members Judith M. Hansen, Clive M. Killpack, Christopher M. McConnehey, and Chad Nichols. Council Member Justin D. Stoker arrived at 5:14 p.m., and Council Member Ben Southworth arrived at 5:49 p.m.

**STAFF:** Richard L. Davis, City Manager; Jeffrey Robinson, City Attorney; Melanie Briggs, City Clerk; Tom Burdett, Development Director; Janice Larsen, Finance Manager/CFO; Wendell Rigby, Public Works Director; Reed Scharman, Battalion Fire Chief; Doug Diamond, Police Chief; Nate Nelson, City Engineer; Bill Baranowski, Traffic Engineer; Darien Alcorn, Deputy City Attorney; Greg Mikolash, City Planner, Jennifer Jastremsky, Associate Planner, and Julie Brown, Events Coordinator.

***VII. PUBLIC HEARINGS***

**RECEIVE PUBLIC INPUT AND CONSIDER FOR APPROVAL  
ORDINANCE 12-22, AMENDING THE 2009 WEST JORDAN  
MUNICIPAL CODE TITLE 13, ZONING ORDINANCE, TO ALLOW FOR  
ALTERNATIVE ENERGY SYSTEMS, AND MORE SPECIFICALLY  
COVERING WIND AND SOLAR ENERGY SYSTEMS. THE TEXT  
AMENDMENT WILL ADD 10 NEW DEFINITIONS TO THE CODE, AS  
WELL AS A NEW SECTION, 13-8-21, COVERING REQUIREMENTS  
FOR THE ALTERNATIVE ENERGY SYSTEMS, INCLUDING USE  
CHARTS FOR ALL ZONING DISTRICT; CITY-WIDE; CITY OF WEST  
JORDAN, APPLICANT**

Tom Burdett indicated this item was heard by the Planning Commission on June 5, 2012, and on July 17, 2012. During the July 17, 2012 meeting the Planning Commission forwarded a positive recommendation to the City Council to approve the proposed text amendment. Staff was arranging three guest speakers for Q&A with the Council. The speakers were, Ryan Glover with Wind West Power and Glover Nursery's, Sarah Wright with Utah Clean Energy and Mark Richards with Intermountain Wind and Solar. The City had received several inquiries into wind and solar energy systems from residents and business owners. Today the City had two wind turbines within a manufacturing area and numerous solar energy systems. The proposed amendment would formally allow wind and solar power within the city and provide specific requirements based on zoning district and type of system. The text amendment would add seven new definitions to the code as well as a new section 13-8-21, covering requirements for the alternative energy systems. Also affected would be the use charts for all zoning districts.

Permit and permitted in the Manufacturing zones.

c. Allowed in residential zones with a maximum height of 30-feet, including the blades, and in commercial and manufacturing zones with an allowed height of 40-feet, including blades.

d. The setback from property lines, regardless of zone, was a fall zone based on the overall height of the system.

#### *Solar Energy Systems:*

There were two types of solar energy systems proposed, building mounted and ground mounted.

##### 1. Solar Energy System, Building Mounted

a. A solar energy system which was mounted to a building roof and may be bracket mounted, tilted or lay flat on the roof surface and provided electricity for that specific structure.

b. Allowed in every zone as a permitted use.

c. If tilted, part of the array should be within 12-inches of the roof surface at all times. The highest point of the system might be a maximum of 7-feet above the surface of the roof, or up to the maximum height allowed within the zoning district, whichever was less.

##### 2. Solar Energy System, Ground Mounted

a. An accessory structure mounted to the ground which contained solar panels for the purpose of energy production for the uses located on the same site as the solar energy system.

b. Allowed by Administrative Conditional Use within residential zones and permitted within most other zones.

c. Regulated the same as an accessory structure. This meant the setbacks would be 3-feet from property line for a solar energy system which was 10-feet in height or less, and an additional 1-foot in setback for every foot in height above 10-feet.

d. Prohibited in the front, side or corner side yard.

e. The maximum height proposed for a ground mounted solar energy system was 20-feet measured from the surrounding natural grade to the highest point of the system.

She reviewed the following *FINDINGS OF FACT* -

#### *Section 13-7D-7(B): Amendments to the Zoning Ordinance*

**Criteria 1: *The proposed amendment conformed to the general plan and was consistent with the adopted goals, objectives and policies described therein.***

**Discussion:** The General Plan encouraged the creation of solar and wind power within the City. Specifically, the General Plan included implementation measures within the Residential, Commercial, City Center/Neighborhood TSOD, Office, Industrial and Agricultural land use designations which called for the modification of existing ordinances to allow for solar and wind energy.

In addition, Chapter 12 Sustainability covered energy conservation. As

part of a plan to urge conserving energy within the city, the General Plan encouraged the utilization of alternative energy (page 174).

**Finding:** The proposed amendment conformed to the General Plan and was consistent with the adopted goals, objectives and policies described therein.

**Criteria 2:** *The proposed amendment was appropriate given the context of the request and there was sufficient justification for a modification to this title.*

**Discussion:** There were existing alternative energy systems within the City. Several homes and businesses contain solar energy systems. Wind energy systems had been allowed to be installed as long as they met all requirements for an accessory structure including a fall zone equal to the height of the system. Two wind turbines had been installed within the M-1 zoning district and in the area of Jordan Industrial Center. While the M-1 zoning district did not contain any height restrictions, the proposed text amendment would limit new wind energy systems to 40-feet in height. Staff had received four requests for information on wind energy regulations during the time the proposed text amendment was composed. The proposed regulations provided specific guidelines covering wind and solar energy which were not currently addressed within the Zoning Ordinance.

**Finding:** The proposed amendments were appropriate given the context of the request and there was sufficient justification for a modification to this title.

**Criteria 3:** *The proposed amendment would not create a conflict with any other section or part of this title or the general plan.*

**Discussion:** The proposed amendments were written to work in conjunction with existing Zoning regulations. In fact, ground mounted solar energy systems were to follow the setback requirements for all accessory structures. The amendment had been reviewed by the Building and Safety, Engineering, and Public Works Departments for possible conflicts. None were found during review.

**Finding:** The proposed amendment would not create a conflict with any other section or part of this title or the General Plan.

**Criteria 4:** *The proposed amendment did not relieve a particular hardship, nor did it confer any special privileges to a single property owner or cause, and it was only necessary to make a modification to this title in light of corrections or changes in public policy.*

**Discussion:** The proposed amendment was sponsored by the City and was not in response to an application made with the City. While there was interest in the amendment, it had not been written with any one property owner in mind. The proposed amendment met goals promoted in the General Plan and interest shown by residents of the City.

**Finding:** The proposed amendment did not relieve a particular hardship, nor does it confer any special privileges to a single property owner or cause, and it was only necessary to make a modification to this title in

light of corrections or changes in public policy.

In conclusion, she said the General Plan encouraged energy conservation measures within the City and the use of alternative energy systems. The proposed text amendment allowed for private solar and wind energy systems in most zoning districts. The amendment minimized the impact on the adjacent properties and the neighborhood and offered a mechanism for neighbor involvement through the conditional use process. Given past citizen and business owner interest in these types of systems, staff believed the appeal would grow and it was in the welfare of the City to have regulations in place to accommodate these facilities.

Staff recommended that the City Council approve the proposed text amendment allowing alternative energy systems within all zoning districts as permitted and/or conditional uses and providing specific criteria for alternative energy systems.

The Council and staff addressed clarifying questions including: 1) setbacks in relation to the height of the pole; 2) solar panels in relation to visual blights; 3) if geothermal would be considered as a solar energy system, and 4) the legalities associated with solar energy systems.

Ryan Glover, Wind West Power and Glover Nursery, detailed the wind energy system he anticipated to be sold at Glover Nursery.

Mayor Johnson opened the Public Hearing.

David Tigner, West Jordan resident, indicated he had a self-built solar energy system for his home, and addressed his concerns with the submittal requirements.

There was no one else who desired to speak. Mayor Johnson closed the Public Hearing.

The Council and staff discussed clarifying questions regarding: 1) the building permit requirements for energy systems, and 2) setbacks, side yards, and maximum height requirements in connection with both solar and wind energy systems. They were in agreement the item should be continued for further clarification.

**MOTION: Mayor Johnson moved to table the item, and fine tune it outside of the public's presence, and bring it back for further discussion. The motion was seconded by Councilmember McConnehey and passed 7-0 in favor.**

Mayor Johnson asked the Councilmembers to submit their questions, concerns, or suggestions to Tom Burdett.



Please find the Planning Commission meeting minutes of February 4, 2014 on the following Pages.

**Exhibit E**      **Planning Commission Minutes 2/4/14**

**MINUTES OF THE REGULAR MEETING OF THE WEST JORDAN PLANNING AND ZONING COMMISSION HELD FEBRUARY 4, 2014 IN THE WEST JORDAN COUNCIL CHAMBERS**

**PRESENT:** Dan Lawes, Sophie Rice, Zach Jacob, Ellen Smith, and Bill Heiner. David Pack was excused. Lesa Bridge was absent.

**STAFF:** Tom Burdett, Robert Thorup, Greg Mikolash, Larry Gardner, Nathan Nelson, and Julie Davis

**OTHERS:** Clayton Haight, Justin Adderley, Rick Hellstrom, Mike Fossmo, June Christiansen, Lynn Rasband, Kelly Smith, Emily Backus, Warren Kirk, AJ Walkowski, Bill Barton, Susan Gould, Marian Furst, Karen Barton, Dale Walkowski, Connie Sedanto, and Katie Dolar.

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- 5. Text Amendment – Amend the West Jordan Municipal Code Title 13 to allow for renewable energy systems, adding definitions, and amending the use charts in all districts to remove accessory uses and creating a new accessory use chart; City-wide applicability; City of West Jordan (applicant) [#TA20120006]**

Larry Gardner gave a history of the text amendment. The planning commission recommended approval in 2012, but the city council wanted some issues worked out. A joint meeting between the two bodies was held to address those issues. The amendment incorporates those changes and it also removes accessory uses from each zoning table and creates a combined table and ordinance to govern all uses that are accessory to the primary use. One of the changes was to remove wind facilities from residential zones, because they may not be appropriate. However, solar energy systems will be allowed according to the building code.

Based on the findings set forth in the staff report, staff recommended that the Planning Commission discuss and forward a positive recommendation to the City Council for the proposed text amendment Section 13-8-21 Renewable Energy Systems; Section 13-8-3 Accessory Uses, Buildings and Structures and all amendments to the use tables for each zone district as presented with the staff report.

Greg Mikolash said there haven't been any requests for permits during this amendment process.

Dan Lawes opened the public hearing.

Further public comment was closed at this point for this item.

**MOTION:** Bill Heiner moved to forward a positive recommendation to the City Council for the proposed Text Amendment to Section 13-8-21 Renewable Energy Systems, Section 13-8-3 Accessory Uses, Buildings, and Structures, and all

**amendments to the Use Tables for each zoning district as presented in the staff report. The motion was seconded by Sophie Rice and passed 5-0 in favor. David Pack and Lesa Bridge were absent.**

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**4.**

Please find the City Council/Planning Commission workshop minutes of October 2, 2012 on the following pages.

***Exhibit F*** City Council/Planning Commission Minutes 10/2/12

## ***VIII. WORKSHOP WITH THE PLANNING COMMISSION***

***COUNCIL:*** Mayor Melissa K. Johnson and Council Members Judith M. Hansen, Clive M. Killpack, Christopher M. McConnehey, Chad Nichols, Ben Southworth, and Justin D. Stoker.

***PLANNING COMMISSIONERS:***

Interim Chair Nathan Gedge and Planning Commissioners Lesa Bridge, Dan Lawes, Ellen Smith, Jesse Valenzuela and John Winn.

***STAFF:*** Steven Glain, Assistant to the City Manager; Robert Thorup, Deputy City Attorney; Melanic Briggs, City Clerk; Tom Burdett, Development Director; Greg Mikolash, City Planner; Scott Langford, Senior Planner; Ray McCandless, Senior Planner, and Jennifer Jastremsky, Associate Planner.

Mayor Johnson reconvened into the Workshop meeting at 7:05 p.m.

### **a. DISCUSSION REGARDING BILLBOARDS**

Greg Mikolash reviewed the draft ordinance and information pertaining to Billboard Signs for the City of West Jordan.

The following items were reviewed:

- Municipal Code - Title 12-3-3(D), Exceptions and Qualifications for Specific Sign Types D. Billboard Sign
- Inventory map showing the location of each of the City's thirteen (13) existing billboards
- A current visual inventory (updated) April of 2012) of the City's existing billboards

### **Billboards – Permitted and Installed:**

1206 West 7800 South  
1317 West 7800 South  
1370 West 7800 South  
1650 West 9000 South  
3009 West 7800 South  
4375 W New Bingham Highway  
4502 West New Bingham Highway  
7382 West New Bingham Highway  
7867 South Airport Rd  
8145 South Redwood Rd  
9550 South SR-111  
1665 West 7800 South

- Why do cities underground utilities?
  - Public safety
  - Reliability of service
  - Aesthetics
- Why do so many cities struggle with this requirement?
  - Cost
  - Administrative/Legal challenges
  - Politically unpopular
- Why are we here this evening?
  - Waiver requests – 30 since 2003

Scott addressed the history of discussion regarding the undergrounding of utilities.

- 4th Meeting this year on this item.
- Nearly 20 alternative codes considered
- Planning/Engineering/Attorney Staff = New Draft Language
- Draft Language
  - All utilities shall be undergrounded (with a few exceptions)
  - Exceptions: site plan < 500' of frontage, transmission lines > 69kv, long distance trunk & feeder lines
  - Variances available

Those in attendance reviewed the proposed Code changes, and agreed to consider the following issues for staff to pursue:

- Agreed to consider changes to the Code
- Be realistic regarding the cost of undergrounding
- Do not impede economic development
- Discuss this issue with the Chamber of Commerce, businesses, and developers regarding their concerns
- Very clear that the utility lines in the western area of the City, should be underground
- Look closer regarding redevelopment and infill

**c. DISCUSSION REGARDING WIND AND SOLAR ENERGY CODE CHANGES**

Scott Langford said including in the City Council agenda packet was the legislative draft of the Alternative Energy Ordinance which was reviewed by the City Council on August 22, 2012 and by the Planning Commission on June 5, 2012 and July 17, 2012. He said previously proposed changes made by the Council and Planning Commission were highlighted in the document. In addition, included in the document were proposed changes made by Councilmember McConnehey and staff.

He reviewed the history of the City's undergrounding of utilities requirements. He stated the waiver application process was the catalyst that brought this issue forward. He addressed the proposed changes

1. Allows all system types to serve the entire site rather than a single structure, including the micro-model wind energy systems.
2. Treats ground mounted solar energy systems the same as an accessory structure allowing them in the rear, side and corner side yards with certain setback restrictions based on height.
3. Eliminates small wind energy systems from the residential and agricultural zones.

Those in attendance discussed at length the following areas of concern: 1) Safety; 2) Aesthetics; 3) Zoning areas Agricultural, Residential, and Commercial, etc.

Those in attendance agreed to consider the following issues for staff to pursue:

- Solar would be allowed in any area or zone, without a concern for aesthetics
- Question of where wind turbines could be located and what the maximum height could be
- Safety and quality of life issues
- Provide options of what it would mean to allow or disallow in Agricultural Zone
- Amend the timeframe for abandonment requirements from 24 months to 12 months

#### **d. DISCUSSION REGARDING GENERAL PLAN FUTURE LAND USE MAP CHANGES**

The Council and Planning Commission discussed possible changes to the General Plan Future Land Use Map, specifically areas of very high density, high density, and multi-family should be located, and possibly maximize along the corridors of light rail.

Councilmember Southworth agreed that the City had changed immensely since the last Future Land Use Map Amendment, and the density should be explored.

The City Council and Planning Commission members were in agreement this was an issue that should be addressed, specifically the following areas:

- Create balance with the density throughout the City
- Possible reallocation of high density zoning and/or scaling back
- Traffic patterns or alternate transportation impacts
- Focus on high density areas located near TOD's
- Look at Performance Based zoning in the eastside of the City
- Look at 'Intensity' rather than 'Density'

Planning Commissioner Valenzuela expressed his appreciation to the Planning staff for their efforts regarding planning items.